

Board of County Commissioners

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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AGENDA INDEX**

April 26, 2001

**THURSDAY
9:30 AM**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Swearing In
- F. Motion to Adopt Agenda

2. POSTPONEMENTS AND WITHDRAWALS (Pages 1-3)

3. CONSENT AGENDA (Pages 4-10)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 11-15)

5. DIRECTOR COMMENTS (Page 15)

6. COMMISSION COMMENTS (Page 15)

7. ADJOURNMENT (Page 15)

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AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, APRIL 26, 2001

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM**.
- B. Opening Prayer and Pledge of Allegiance.
- C. Remarks of the Chair:

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and the recommendations of the Land Use Advisory Board and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on April 26, 2001 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication - Motion to receive and file.
- E. Swearing In - County Attorney.
- F. Motion to Adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD2000-044(A)** Official Zoning Map Amendment (PDD) from Residential Single Family (RS) to Multiple Use Planned Development (MUPD) petition of Let It Ride L.C., by Land Design South, Agent. General Location: SE corner of Lantana Rd and High Ridge Rd (**LANTANA HIGH RIDGE MUPD**).

N/A

Size: 3.68 acres ±

BCC District: 3

MOTION: To postpone 30 days until May 24, 2001. (Requested by petitioner. Staff supported.)

2. **DOA1981-186(G)** Development Order Amendment(DOA) to allow a self-service storage facility and truck rental (requested uses) petition of Mini Storage Developers, by Mark Bradford, Agent. General Location: NE corner of Jog Rd. and Lantana Rd. (**LEE SQUARE**).

Pages 1-2

Size: 38.19 acres ±

BCC District: 3

MOTION: To postpone 30 days until May 24, 2001. (Requested by petitioner. Staff supported.)

3. **SR1985-150.11** Status Report for Resolutions R-86-235 and 86-236 (Petition 85-150), the petition of John T. Christiansen and James D. Lassiter. Property owner: John T. Christiansen, Tr., James D. Lassiter, and R.G. Tronzo. General Location: southwest corner of Congress Ave. and Melaleuca Rd. intersection. Current zoning: CS-Specialized Commercial with a Special Exception to allow a Planned Office Business Park.

Pages 3-6

Size: 0.7 acre ±

BCC District: 3

MOTION: To postpone status report SR1985-150.11 until May 24, 2001.

4. **SR1984-99F.2** Status Report for Resolution R-95-1467 (Petition 84-99F), the petition of Mission Bay Plaza Associates. Property owners: Mission Bay Plaza Assoc. and Centrum Mission Bay Ltd. General Location: NW corner of Glades RD. and S.R. #7. Current zoning: General Commercial with a Development Order Amendment to amend condition number 9 (square footage limitation) (**MISSION BAY PLAZA**).

Pages 7-10

Size: 24.28 acres ±

BCC District: 5

MOTION: To postpone status report SR1984-99F.2 until May 24, 2001.

5. **SR1990-17A** Status Report for Resolution R-97-1289 (Petition 90-17A), the petition of George T. Kelly IV. Property owner: Lawrence J. Gabriel and Boynton Beach Self Storage. General Location: Approx. 500 ft. east of Hagen Ranch Rd. on the south side of Boynton Beach Blvd.. Current zoning: Multiple Use Planned Development (**BOYNTON SELF STORAGE**).

Pages 11-13

Size: 2.40 acres ± (affected)
6.32 acres ± (overall)

BCC District: 5

MOTION: To postpone status report SR1990-17A until May 24, 2001.

- 6. **2000-SCA
76 COM 2** Shih C. Ching, by Kevin McGinley, Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) to Commercial High-Office (CH-O). General Location: Southwest quadrant of Lake Worth Rd. and the Ronald Reagan Turnpike. **(LAKE WORTH/TURNPIKE)**

Page 14

Size: 4.88 acre ± BCC District: 6

Staff Recommendation: Approval of the requested future land use change from LR-2 to CH-O with conditions.

LPA Recommendation: Approval of an **alternative** future land use change from LR-2 to CL-O (6-4 vote).

MOTION: To continue to the October 25, 2001 BCC Public Hearing.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITION

- 7. **PDD2000-039** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Unit Development (MUPD) with financial institutions petition of Halverson Development by Kieran Kilday, Agent. General Location: NE corner of Lyons Rd. and Hypoluxo Rd. (**TOWN COMMONS MUPD (1)**).

Pages 15-41

Size: 19.5 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Unit Development (MUPD) with financial institutions.

C. ZONING PETITIONS - CONSENT

- 8. **DOA1976-003(F)** Development Order Amendment (DOA) to reconfigure site plan and to allow a daycare, general (requested use) petition of Kindercare Learning Center, by Kevin McGinley, Agent. General Location: NW Corner of LeChalet Blvd and Military Trail (**LECHALET SHOPPING CENTER**).

Pages 42-60

Size: 1.41 acres ± (affected)
7.39 total acres ± (overall)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to reconfigure site plan and to allow a general daycare.

- 9. **Z/DOA1997-003(A)** Official Zoning Map Amendment (Z) from Residential High Density (RH) to General Commercial (CG) and a Development Order Amendment (DOA) to add land area and reconfigure site plan petition of Aldrich Tool Rental, by Lee Starkey, Agent. General Location: Approx. 800 feet south of Westgate Ave on the west side of Congress Ave (**ALDRICH TOOL RENTAL**).

Pages 61-81

Size: .44 acre ± (affected) BCC District: 2
 1.83 acres ± (overall)

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area and reconfigure site plan.

- 10. **PDD2000-115** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Westbrooke Co. Inc, by Carole Turk, Agent. General Location: NW Corner of Hypoluxo Rd and Haverhill Rd (**HYPOLUXO HAVERHILL PUD**).

Pages 82-107

Size: 68.3 acres ± BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD).

- 11. **PDD1987-049(D)** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) with daycare, general (existing), charter school (existing), health/education center and to modify/delete conditions of approval petition of New Hope Charities Inc., by George Gentile, Agent. General Location: Approx. 0.2 mile north of Morgan Rd on the east side of SR 15/US 441 (**SANTA MARIA VILLAGE PUD**).

Pages 108-128

Size: 40.0 acres ± BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) with daycare, general (existing), charter school (existing), health/education center and to modify/delete conditions of approval.

MOTION: To adopt a resolution approving the request for a Waiver (W) from minimum density requirements of the Comprehensive Plan.

- 12. **Z2000-079** Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Light Industrial (IL) petition of Don and Bobbye Lyons, by Bernard Conko, Agent. General Location: Approx. 0.10 mile north of Okeechobee Blvd on the east side of Spafford Ave (**NEW TOWING YARD**).

Pages 129-144

Size: 0.63 acre ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Light Industrial (IL) with a Conditional Overlay Zone (COZ).

- 13. **EAC1973-223(A)** Resolution approving a Development Order Amendment /Expedited Application Consideration (DOA/EAC) to add square footage petition of Southern Bell Telephone & Telegraph and Bellsouth, by Jonathan Paules, Agent. General Location: Approx. 2,000 feet west of Lyons Road on the north side of Glades Road (**BELLSOUTH SANDALFOOT**).

Pages 145-157

Size: 4.2 acre ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment /Expedited Application Consideration (EAC) to add square footage.

- 14. **Z/CA2000-114** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) and Residential Single Family (RS) to Residential Transitional Urban (RTU) and a Class A Conditional Use (CA) to allow Zero Lot Line homes petition of Albanese Homes Inc., by Mark Bradford, Agent. General Location: Approx. 0.5 mile north of Woolbright Rd on the west side of El Clair Ranch Rd (**CRYSTAL LAKE**).

Pages 158-176

Size: 13.9 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) and Residential Single Family (RS) to Residential Transitional Urban (RTU).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow zero lot line homes.

15. **PDD2000-102** Official Zoning Map Amendment (PDD) from General Commercial (CG) to Multiple Use Planned Development (MUPD) with self-service storage, truck rental and outside storage (requested uses) petition of Joe Fearnly, by Richard Carlson, Agent. General Location: Approx. 0.2 mile south of Forest Hill Blvd on the west side of Military Trail (**FOREST MILITARY SELF-SERVICE STORAGE FACILITY**).

Pages 177-197

Size: 7.0 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from General Commercial (CG) to Multiple Use Planned Development (MUPD) with self-service storage, truck rental and outside storage.

D. STATUS REPORTS - CONSENT

16. **SR 1981-205A.4** Status Report for Resolutions R-91-1176 and R-91-1177 (Petition 81-205A), the petition of Menorah Partnership. Property owner: Menorah Partnership. General Location: west side of Memorial Park Rd., approx. 0.08 mile north of Northlake Blvd. Current zoning: Residential Estate with a Special Exception to amend the site plan for a cemetery and mausoleum to increase building square footage and to delete land area (**MENORAH GARDENS**).

Pages 198-200

Size: 30.0 acres ±

BCC District: 1

MOTION: To approve a time extension until February 11, 2003, for Resolutions R-91-1176 and R-91-1177.

17. **SR1987-33A.6** Status Report for Resolutions R-91-246 and R-91-247 (Petition 87-33A), the petition of Gator Pond Properties II, Inc. Property owner: South Shore Oil Corp. and LJR Associates Properties Ltd. General Location: southwest corner of Westgate Ave. and Congress Ave.. Current zoning: General Commercial (CG) with a Special Exception to amend the site plan for a commercial new and used automobile sales, rental, and repair facility to increase the land area, increase building square footage, redesign the site, and include an auto service station, convenience store and car wash facility. (**CONGRESS AUTO PARK**)

Pages 201-204

Size: 0.66 acres ± (affected)
2.30 acres ± (overall)

BCC District: 2

MOTION: To approve a time extension until December 5, 2001, for Resolutions R-91-246 and R-91-247.

18. **SR1987-136.8**

Status Report for Resolutions R-89-357 and R-89-358 (Petition 87-136), the petition of Patricia Marshall. Property owner: Patricia Marshall. General Location: Approx. 300 feet east of Davis Rd. on the north side of Lake Worth Rd. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development. **(MARSHALL)**

Pages 205-208

Size: 1.0 acre ±

BCC District: 3

MOTION:

To approve a time extension until February 28, 2002, for Resolutions R-89-357 and R-89-358.

19. **SR1994-13.3**

Status Report for Resolution R-95-435 (Petition 94-13), the petition of Chimu, Inc. Property owner: Chimu, Inc. General Location: Approx. 0.25 mile west of Military Trail on the north side of Hypoluxo Rd. Current zoning: Multiple Use Planned Development including a Requested Use for a fast food restaurant. **(CHIMU SHOPPING CENTER)**

Pages 209-211

Size: 8.55 acres ±

BCC District: 3

MOTION:

To approve a time extension until March 30, 2002, for Resolution R-95-435.

20. **SR1994-98.4**

Status Report for Resolution R-95-1124 (Petition 94-98), the petition of Francalby Corporation, Inc. Property owner: Francalby Corp., Inc. General Location: Approx. 200 feet east of High Ridge Rd. on the north side of Hypoluxo Rd. Current zoning: Community Commercial **(HYPOLUXO CENTER)**.

Pages 212-215

Size: 2.7 acres ±

BCC District: 3

MOTION:

To approve a time extension until February 24, 2002, for Resolution R-95-1124.

21. **SR1995-57.2**

Status Report for Resolution R-96-393 (Petition 95-57), the petition of Strazzulla Brothers Company, Inc. Property owners: Pembroke Entrance Joint Venture and Chevron USA, Inc.. General Location: N.W. corner of the intersection of Lake Worth Road and State Rd. 7. Current zoning: MUPD - Multiple Use Planned Development with requested use for a convenience store with gas sales and fast food restaurant **(SHOPPES AT WYCLIFFE)**.

Pages 216-219

Size: 22.45 acres ± (affected)
24.16 acres ± (overall)

BCC District: 6

MOTION:

To approve a time extension until March 28, 2002, for Resolution R-96-393.

22. **SR1995-81.3**

Status Report for Resolution R-96-1 (Petition 95-81), the petition of Kip & Michelle Affron. Property owner: Tidal Wave Inv. Corp., Inc. General Location: Approx.0.25 mile north of Southern Blvd. on the east side of Tall Pines Rd. Current zoning: Light Industrial. (**AFFRON REZONING**).

Pages 220-223

Size: 1 acre ±

BCC District: 6

MOTION: To approve a time extension until July 5, 2001, for Resolution R-96-1.

E. TDR CONTRACT, ESCROW AGREEMENT AND DEED

23. **PDD/TDR 2000-052**

Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and G. L. Homes of Boynton Beach Associates VI, Ltd., for the sale and purchase of 308 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$9,833.00 per unit as approved by the Palm Beach County Board of County Commissioners on January 25, 2001 by Resolution No. R-2001-0239. Request: Approve an escrow agreement between Palm Beach County, G. L. Homes of Boynton Beach Associates VI, Ltd. and Ruden McClosky Smith Schuster & Russell P.A., (escrow agent) for the sale and purchase of 308 TDR units from the Palm Beach County TDR Bank at a purchase price of \$9,833.00 per unit, as approved by the Palm Beach County Board of County Commissioners on January 25, 2001. (**VALENCIA VI PUD**)

Pages 224-231

MOTION: To approve a contract for the sale and purchase of 308 development rights at a purchase price of \$9,833.00 per unit for a total price of \$3,028,564.00.

MOTION: To approve an escrow agreement for 308 development rights at a purchase price of \$9,833.00 per unit for a total price of \$3,028,564.00.

24. **PDD/TDR 2000-052**

Execute a deed conveying 308 Development Rights units to G. L. Homes of Boynton Beach Associates VI, Ltd. as authorized in Resolution No. R-2001-0239 which approved the purchase of 308 Development Rights from the County's TDR Bank at a cost of \$9,833.00 per unit and the designation of the Valencia IV PUD as a TDR Receiving Area for those units. (**VALENCIA IV**)

Pages 232-233

MOTION: To execute a deed conveying 308 Development Rights units to G. L. Homes of Boynton Beach Associates VI, Ltd. as authorized in Resolution No. R-2001-0239.

F. CORRECTIVE RESOLUTION

25. **DOA1984-054(E)** Corrective Resolution: To correct Condition B.1 of Exhibit C in Resolution R-2001-0140.1 (**PALMS WEST HOSPITAL**)

Pages 234-235

BCC District: 6

MOTION: To adopt a resolution to correct Condition B.1 of Exhibit C in Resolution R-2001-0140.1.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. ADMINISTRATIVE INQUIRY - MONITORING

- 26. **AI-01-02** Use-It-or-Lose-It Option for Section 5.8 of the ULDC

Pages 236-238

C. STATUS REPORT

- 27. **SR1983-18.7** Status Report for Resolutions R-83-1040 and R-83-1041 (Petition 83-18), the petition of Peter I.B. Lavan and Phillip O' Connell, as Trustee. Property owner: Supertrail Mfg. Co., Inc. General Location: Approx. five (5) miles west of Beeline Highway on the south side of Northlake Blvd. Current zoning: RE-Residential Estate with a Special Exception to allow a Planned Unit Development, including an on-site sewage treatment plant (**STONEWALL ESTATES**).

Pages 239-253

Size: 175 unplatted acres BCC District: 6
 983 acres ± (overall)

MOTION: To adopt a resolution to amend conditions of approval (land use designation consistency) in Resolution R-83-1041, and approve a time extension until April 26, 2003, to record a plat in Phase 2.

D. PREVIOUSLY POSTPONED CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

- 28. **2000-SCA 63 COM 2** Belvedere Commerce Center, LLC., by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Industrial (IND) to Commercial High (CH). General Location: SE corner of Belvedere Rd. and Sansbury's Way. (**BELVEDERE COMMERCE CENTER**)

Pages 254-278

Size: 1.38 acre + BCC District: 6

Staff Recommendation: Approval of the requested future land use change from IND to CH.

LPA Recommendation: Approval of the requested future land use change from IND to CH (11-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from IND to CH.

- 29. **PDD1999-028(A)** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales petition of Belvedere Commerce Center, LLC by Robert E. Basehart, Agent. General Location: SE corner of Belvedere Rd. and Sansbury's Way (**BELVEDERE COMMERCE CENTER**).

Pages 279-300

Size: 8.77 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales.

E. CONCURRENT SMALL SCALE LAND USE AMENDMENTS AND ZONING PETITIONS

- 30. **2001-SCA 86 COM 1** Donald K. Dorini, by Robert Bentz, Land Design South, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office (CL-0). General Location: Approx. 1/4 mile north of Gateway Blvd. on the east side of Military Trail. (**DORINI**)

Pages 301-335

Size: 6.21 acre ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from MR-5 to CL-O, subject to conditions.

LPA Recommendation: Approval of staff's recommendation for a future land use change from MR-5 to CL-O, subject to conditions (13-0 vote).

MOTION: To adopt an ordinance approving staff's recommendation for a future land use change from MR-5 to CL-O, subject to conditions, as modified.

- 31. **PDD2000-113** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) petition of Donald Dorini and James Keen, by Land Design South, Agent. General Location: Approx. 0.25 mile north of Gateway Blvd on the east side of Military Trail (**MILITARY PLAZA**).

Pages 336-355

Size: 6.21 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD).

32. **2001-SCA
57 RES 1** Anthony J. O’Connell, Bishop, Diocese of Palm Beach, by Kevin McGinley, Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8). General Location: Approx. ½ mile north of Okeechobee Blvd. on the east side of Haverhill Rd. **(HAVERHILL CLF)**

Pages 356-380

Size: 9.14 acre ±

BCC District: 2

Staff Recommendation: Approval of the requested future land use change from MR-5 to HR-8, subject to conditions.

LPA Recommendation: Approval of staff’s recommendation for a future land use change from MR-5 to HR-8, subject to conditions. (12-0 vote)

MOTION: To adopt an ordinance approving staff’s recommendation for a future land use change from MR-5 to HR-8, subject to conditions.

33. **CA2000-097** Class A Conditional Use (CA) to allow a congregate living facility, type III petition of Dioceses of Palm Beach, by Land Design South, Agent. General Location: Approx. 0.5 mile north of Okeechobee Blvd. on the east side of Haverhill Rd. **(VILLA REGINA)**.

Pages 381-398

Size: 9.14 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a congregate living facility, type III.

F. 45TH STREET CRALLS REMEDIAL COMPREHENSIVE PLAN AMENDMENT

34. This item is an adoption of the Remedial Plan Amendment pursuant to the Settlement Agreement between Palm Beach County and the Florida Department of Community Affairs (DCA) which resolves the Department’s findings of non-compliance regarding Comprehensive Plan Amendments adopted on September 18, 2000 by Ordinance 2000-024. The Remedial Action will adopt an amendment to the Transportation Element establishing a Constrained Roadway at a Lower Level of Service (CRALLS) for segments of 45th Street, exclusively for the purposes of redevelopment of the Jai-Alai Fronton site in the Town of Mangonia Park.

Pages 399-426

MOTION: To adopt an ordinance approving the 45th Street CRALLS Remedial Comprehensive Plan Amendment.

G. PREVIOUSLY POSTPONED ZONING PETITIONS

35. **Z/DOA1978-239(B)**

Official Zoning Map Amendment (Z) from Agricultural Residential (AR) and Residential Transitional Suburban (RTS) to Community Commercial (CC) and a Development Order Amendment (DOA) to add/delete land area, reconfigure site plan, add/relocate an access point and to modify/delete conditions of approval petition of St. Hermans Orthodox Church and Ann Throgmorton, by Sara Lockhart, Agent. General Location: Approx. 0.25 mile south of Hypoluxo Rd on the west side of Military Trail (**ST. HERMANS ORTHODOX CHURCH**).

Pages 427-442

Size: 0.913 acre ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) and Residential Transitional Suburban (RTS) to Community Commercial (CC).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add/delete land area, reconfigure site plan, add/relocate an access point and to modify/delete conditions of approval.

36. **PDD2000-091**

Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Community Commercial (CC) to Multiple Use Planned Development (MUPD) with restaurant, fast food (requested use) petition of Frank Rainer, Ann Throgmorton, St. Hermans Orthodox Church, by Sara Lockhart, Agent. General Location: Approx. 0.25 mile west of Military Trail on the south side of Hypoluxo Rd. (**HYPOLUXO SQUARE**).

Pages 443-471

Size: 13.05 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Community Commercial (CC) to Multiple Use Planned Development (MUPD) with restaurant, fast food.

H. ZONING PETITIONS

- 37. **DOA1997-029(A)** Development Order Amendment (DOA) to reconfigure site plan and add square footage petition of St. Paul AME Church, by Mark Bradford, Agent. General Location: Approx. 0.5 mile north of Community Drive on the west side of Haverhill Rd (**ST. PAUL AME CHURCH**).

Pages 472-491

Size: 4.59 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to reconfigure site plan and add square footage.

- 38. **PDD2000-071** Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/PUD) petition of Richard Siemens, by Land Design South, Agent. General Location: Approx. 4,000 feet north of Boynton Beach Blvd on the west side of Lyons Rd (**BOYWIC PUD**).

Pages 492-522

Size: 280.15 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/PUD).

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

- 39. MGTS Code Rewrite Project Update

Pages 523-524

B. PLANNING DIRECTOR.

- 40. Sector Plan Update - Denise Malone, Project Manager

(under separate cover)

6. COMMISSION COMMENTS.

7. ADJOURNMENT.