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

MAY 23, 2002

**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. Adoption of Agenda

2. POSTPONEMENTS AND WITHDRAWALS (Pages 1-2)

3. CONSENT AGENDA (Pages 3-9)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 10-12)

5. DIRECTOR COMMENTS (Page 12)

6. COMMISSIONER COMMENTS (Page 12)

7. ADJOURMENT (Page 12)

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**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

THURSDAY MAY 23, 2002

1. CALL TO ORDER

- A. Roll Call – **9:30 A.M.**
- 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 amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, 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 May 23, 2002 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. Adoption of Agenda

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **DOA1987-006(D)** Title: Resolution approving a Development Order Amendment, petition of Auto Nation Imports Palm Beach Inc. and Taurus Assoc. Inc., by Kim Juran, Agent. Request: To add land area and display spaces. General Location: SW corner of Okeechobee Blvd. and Congress Ave. (**LEXUS OF PALM BEACH**)

Page 1

Size: 4.04 acres ± (overall)

BCC District: 2

MOTION:

To postpone to June 19, 2002. (Petitioner requested 30 days.)

2. **CA2001-027** Title: Resolution approving a Class A Conditional Use, petition of True Tabernacle Ministries, by Ron Uphoff, Agent. Request: To allow a church or place of worship and a daycare, general. General Location: Approx. 1,600 feet east of Congress Ave. on the north side of 2nd Ave. (**TRUE TABERNACLE**)

N/A

Size: 4.8 acres ±

BCC District: 3

MOTION: To postpone to June 19, 2002. (Postponed by the Zoning Commission)

3. **CA2002-006** Title: Resolution approving a Class A Conditional Use petition of Ray Van Tine and Robert & Arlene Nalesnik by Sara Lockhart, Agent. Request: To allow a charter school for 550 students. General Location: Approximately 290 feet east of Davis Rd. on the north side of Melaleuca Ln. (**JFK MEDICAL CENTER CHARTER SCHOOL**).

N/A

Size: 6.2 acres ±

BCC District: 3

MOTION: To postpone until June 19, 2002. (Postponed by the Zoning Commission)

4. **PDD1997-004(B)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Don Stiller by Robert Basehart, Agent. Request: Rezoning from the Agricultural Residential (AR) and the Residential Estates (RE) to the Multiple Use Planned Development (MUPD) Zoning District and to allow general repair and maintenance, a convenience store with gas sales and a car wash facility (requested uses). General Location: NE corner of Jog Rd. and Boynton Beach Blvd. (**KEREKES PLAZA**).

Page 2

Size: 24.84 acres ±

BCC District: 5

MOTION: To postpone to June 19, 2002. (Petitioner requested 30 days.)

5. **PDD2001-043** Title Resolution approving an Official Zoning Map Amendment petition of Garden Oaks Center Ltd, by Donaldson Hearing & Brian Chegus, Agent. Request: Rezoning from the Residential Estate (RE) to the Multiple Use Planned Development (MUPD) Zoning District. General Location: NW corner of Square Lakes Dr. and Military Trail (**SQUARE LAKES NORTH**).

Page 3

Size: 3.06 acres ±

BCC District: 1

MOTION: To postpone until July 25, 2002. (Postponed by the Zoning Commission)

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

- 6. **DOA1980-153(J)** Title: Resolution approving a Development Order Amendment, petition of Aberdeen Golf & Country Club, by Sam Erde, Agent. Request: To re-designate land use (open space to recreation). General Location: Approximately 600 feet west of Jog Rd. on the north side of Gateway Blvd. (**ABERDEEN PUD**).

Pages 4-25

Size: 1.01 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request to re-designate land use.

- 7. **CA1989-095(B)** Title: Resolution approving a Class A Conditional Use, petition of Joseph Basil & Joel Julien by Kevin McGinley, Agent. Request: To allow a church or place of worship. General Location: SW corner of Haverhill Rd. and Horseshoe Circle North. (**EBEN-EZER BAPTIST CHURCH**)

Pages 26-40

Size: 1.98 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (5-0).

MOTION: To adopt a resolution approving the request to allow a church or place of worship.

C. ZONING PETITIONS – CONSENT

- 8. **DOA1997-031(A)** Title: Resolution approving a Development Order Amendment petition of Century Citrus Isles Corp. by Press Tompkins, Jr, P.E., Agent. Request: To delete land area and reconfigure site plan. General Location: Approximately 2,400 feet south of Lake Worth Rd. on the west side of Lyons Rd. (**LAKE WORTH / LYONS PUD**).

Pages 41-57

Size: 29.47 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request to delete land area and modify site plan.

- 9. **Z/CA2002-002** Title: Resolution approving an Official Zoning Map Amendment petition of Lance S. Uhley, Trustee by Robert Basehart, Agent. Request: Rezoning from the Agricultural Residential (AR) to the Community Commercial (CC) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Lance S. Uhley, Trustee by Robert Basehart, Agent. Request: To allow a restaurant, fast food. General Location: Approximately 250 feet north of Lantana Rd. on the west side of SR 7/US 441 (**DUNKIN DONUTS**).

Pages 58-73

Size: 1.01 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the rezoning request from the Agricultural Residential to the Community Commercial Zoning District.

MOTION: To adopt a resolution approving the request to allow a fast food restaurant.

- 10. **DOA1984-130(H)** Title: Resolution approving a Development Order Amendment petition of Emerald Dunes Golf LLC, by Kim Juran, Agent. Request: To reconfigure master plan, add units, re-designate land uses and a Substantial Deviation Determination. General Location: NE corner of Jog Rd. and Okeechobee Blvd. (**VISTA CENTER DRI**).

Pages 74-118

Size: 33.5 acres ± (affected)
501.11 acres ± (overall)

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (5-0).

MOTION: The request is not a Substantial Deviation.

MOTION: To adopt a resolution approving the request to reconfigure master plan, add units and re-designate land uses.

- 11. **DOA1984-173(C)** Title: Resolution approving a Development Order Amendment petition of Medina LLC by Helen LaValley, Agent. Request: To modify site plan, to add square footage and to allow an auto paint and body shop (requested use). General Location: Approximately 300 feet west of Seminole Ave. on the south side of Westgate Ave. (**LEWIS PCD**).

Pages 119-140

Size: 1.7 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (4-0).

MOTION: To adopt a resolution approving the request to modify site plan, to add square footage and to allow an auto paint and body shop.

12. **Z/COZ2001-056** Title: Resolution approving an Official Zoning Map Amendment petition of Palm Beach Carpenters Joint Holding Company by Scott Mosolf, Agent. Request: Rezoning from the Residential Medium Density (RM) to the General Commercial (CG) Zoning District with a Conditional Overlay Zone. General Location: East side of Congress Ave. between Belvedere Rd. and Westgate Ave. (**CARPENTERS UNION**).

Pages 141-158

Size: 2.46 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (4-0).

MOTION: To adopt a resolution approving the request for a rezoning from the Residential Medium Density to the General Commercial Zoning District with a Conditional Overlay Zone.

13. **DOA1978-273(A)** Title: Resolution approving a Development Order Amendment petition of Pine Trail Square Center LLC by Winston Lee, Agent. Request: To allow a fitness center in excess of 15,000 square feet (requested use). General Location: SW corner of Okeechobee Blvd. and Military Trail (**PINE TRAIL SHOPPING CENTER**).

Pages 159-176

Size: 28.72 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request to allow a fitness center in excess of 15,000 square feet.

14. **PDD2002-001** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Engle Homes/ Palm Beach Inc. by Kieran J. Kilday, Agent. Request: Rezoning from the Agricultural Residential (AR) to the Residential Planned Unit Development (PUD) Zoning District. General Location: Approximately 0.5 mile west of the intersection of Legends Way and Linton Blvd. on the east side of the Florida Turnpike (**GRAND HAVEN PUD**).

Pages 177-198

Size: 78.95 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential to the Residential Planned Unit Development Zoning District.

15. **DOA2000-020(A)** Title: Resolution approving a Development Order Amendment petition of Phoenix 441 Land Development Ltd by Press Tompkins Jr, P.E., Agent. Request: To reconfigure master plan, modify/delete conditons and to allow a self-service storage facility (requested use). General Location: Approximately 3,600 feet north of Lantana Rd. on the west side of SR 7/US 441 (**CYPRESS LAKES PRESERVE MUPD**).

Pages 199-224

Size: 5.8 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request to reconfigure master plan, modify/delete conditons and to allow a self-service storage facility.

16. **Z2002-004** Title: Resolution approving an Official Zoning Map Amendment petition of Robert V. Kenna by Jeff Iravani, Agent. Request: Rezoning from the Residential Single Family (RS) to the Residential Transitional Suburban (RTS) Zoning District. General Location: Approximately 1,200 feet south of Seminole Beach Blvd. on the east and west sides of Banyan Blvd. (**KENNA PROPERTY**).

Pages 225-235

Size: 9.18 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved as advertised, (5-0).

MOTION: To adopt a resolution approving the request for a rezoning from the Residential Single Family to the Residential Transitional Suburban Zoning District.

D. STATUS REPORTS – CONSENT

17. **SR 1987-136.9** Status Report for Resolution R-89-357 and R-89-358 (Petition 1987-136), the petition of Patricia Marshall. Property owner: Enrrique Casarrubias. 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 PCD**).

Pages 236-239

Size: 1.0 acre ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-89-358, and approve a time extension until February 28, 2004, to commence development.

18. **SR 73-216A.7** Status Report for Resolutions R-90-57 and R-90-58 (Petition 1973-216A), the petition of Palm Beach Baptist Temple, Inc. Property owner: Palm Beach Baptist Temple, Inc. General Location: Approx. 0.8 of a mile north of Hypoluxo Rd. on the west side of Military Trail. Current zoning: Single Family Residential with a Special Exception to amend the site plan for a church and accessory facilities to 1) increase the square footage for the church and accessory buildings and structures; and 2) permit an education institution (maximum 60, K-12 students) (**PALM BEACH BAPTIST TEMPLE**).

Pages 240-242

Size: 7.5 acres ±

BCC District: 3

MOTION: To approve a time extension until March 25, 2004, for Resolutions R-90-57 and R-90-58.

19. **SR 1984-105A** Status Report for Resolution R-97-661 (Petition 84-105A), the petition of GSG Investments. Property owner: Susan Walsh, Gregory Weeks, Glen Magaldi, and GSG Inv. General Location: north side of 4th Avenue North, west of Boutwell Rd. Current zoning: Light Industrial (**EASTERN METALS**).

Pages 243-246

Size: 0.49 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (architectural guidelines) in Resolution R-97-661, and approve a time extension until March 15, 2004, to commence development.

20. **SR 84-163A.5** Status Report for Resolution R-94-358 (Petition 84-163A), the petition of Arcadia Properties. Property owner: Arcadia Properties, Inc. General Location: Approx. 2 miles north of West Atlantic Ave., south of Steiner Rd. on the west side of Military Trail. Current zoning: Community Commercial with a Conditional Overlay Zone (**ARCADIA PROPERTIES**).

Pages 247-250

Size: 4.04 acres ±

BCC District: 5

MOTION: To approve a time extension until March 24, 2004, for Resolution R-94-358.

21. **SR 1988-39A** Status Report for Resolution R-93-549 (Petition 88-39A), the petition of ACLF of Lantana, Inc. Property owner: TAL Realty, Inc. General Location: Approx. 1/4 of a mile west of Military Trail on the north side of Lantana Rd. Current zoning: Single Family Residential with a Development Order Amendment to amend a Congregate Living Facility, Type III to include Voluntary Density Bonus (twenty-one units) (**LANTANA PALMS**).

Pages 251-254

Size: 10.4 acres ±

BCC District: 3

MOTION: To approve a time extension until April 29, 2003, for Resolution R-93-549.

22. **SR 97-95.2** Status Report for Resolution R-98-423 (Petition 97-95), the petition of PBCWUD. Property owners: T. W. & Gertrude K. Winsberg, Michael L. Jameson and Palm Beach County. General Location: Approx. 2.5 miles north of West Atlantic Ave. on the west side of Jog Rd. Current zoning: Planned Unit Development (**WINSBERG FARMS PUD**).

Pages 255-258

Size:137.39 acres ±

BCC District: 5

MOTION: To approve a time extension until March 26, 2004, to record a plat, and until July 1, 2003 to comply with conditions E.1. and E.3. of Resolution No. 98-423.

23. **SR 97-96.2** Status Report for Resolution R-98-424 (Petition 97-96), the petition of Theodore & Gertrude Winsberg. Property owner: Theodore and Gertrude Winsberg. General Location: Approx. 2.5 miles north of West Atlantic Ave. on the west side of Jog Rd. Current zoning: Multiple Use Planned Development (**WINSBERG FARM MUPD**).

Pages 259-262

Size:15 acres ±

BCC District: 5

MOTION: To adopt a resolution to amend conditions of approval (architectural guidelines) in Resolution R-98-424, and approve a time extension until March 26, 2004, to commence development, and until March 26, 2003 to comply with conditions E.1. and E.3. of Resolution No. 98-424.

24. **CR 1998-023/T5** Status Report for Resolution R-98-1810 (Petition 98-23), the petition of Southeast Shopping Center. Property owner: Seminole Pratt Investments. General Location: NE corner of Seminole Pratt Whitney Rd. & Orange Blvd. Current zoning: Multiple Use Planned Development with daycare, general (200 children); restaurant, fast food; financial institution with drive thru and water plant (requested uses) (**PRATT AND ORANGE MUPD**).

Pages 263-266

Size: 22 acres ±

BCC District: 6

MOTION: To approve a time extension until December 1, 2002, for Resolution R-98-1810.

25. **CR 1998-041/I1** Status Report for Resolution R-99-7 (Petition 98-41), the petition of Palm Beach County. Property owner: Indian Trail Improvement District. General Location: Approx. 500 feet north of Orange Blvd. on the east side of Seminole Pratt Whitney Rd. Current zoning: Public Ownership with a Conditional Overlay Zone (**PRATT/ORANGE PO**).

Pages 267-270

Size: 2.28 acres ±

BCC District: 6

MOTION: To approve a time extension until December 1, 2002, to comply with condition number I.1. of Resolution R-99-7.

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. UPDATE/DISCUSSION**

26. Real Estates Sales Offices Update/Discussion

N/A

C. PREVIOUSLY POSTPONED SMALL SCALE AMENDMENTS AND ZONING PETITIONS

27. **00-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 Low-Office (CL-O). General Location: SW corner of the Florida Turnpike and Lake Worth Rd. (**LAKE WORTH/TURNPIKE**) a.k.a. Polo Lakes Office Park.

Pages 271-299

Size: 4.57 acre ±

BCC District: 6

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

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

MOTION: To adopt an ordinance approving the request for a future land use change from LR-2 to CL-O.

28. **PDD2001-040** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Shih C. Ching, by Kevin McGinley, Agent. Request: Rezoning from the Agricultural Residential (AR) to the Multiple Use Planned Development (MUPD) Zoning District with a self-service storage facility (requested use). General Location: SW corner of the Florida Turnpike and Lake Worth Rd. (**POLO LAKES OFFICE PARK**)

Pages 300-319

Size: 4.57 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a rezoning request from the Agricultural Residential to the Multiple Use Planned Development Zoning District with a self-service storage facility.

29. **02-SCA 78 COM 1** BSC, by Anna S. Cottrell, AICP, Anna S. Cottrell & Associates. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) to Commercial High (CH). General Location: Approx. 360 feet south of Lake Worth Rd. and 950 feet west of Congress Ave. (**BSC PROPERTY**)

Pages 320-345

Size: 1.91 acres ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from HR-8 to CH.

LPA Recommendation: Approval of staff's recommendation for a future land change from HR-8 to CH. (10-0 vote)

MOTION: To adopt an ordinance approving the request for a future land use change from HR-8 to CH.

30. **Z/COZ2001-060** Title: Resolution approving an Official Zoning Map Amendment, petition of Anna S. Cottrell & Associates by Anna S. Cottrell, AICP, Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Multi-Family Residential (Medium Density) (RM) to the General Commercial Zoning District with a Conditional Overlay Zone (CG/COZ). General Location: Approx. 1000 feet west of Congress Ave. on the south side of Lake Worth Rd. (**BSC PROPERTY / LAKE WORTH ROAD**)

Pages 346-364

Size: 3.73 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a rezoning request from the Neighborhood Commercial and the Multi-Family Residential (Medium Density) to the General Commercial Zoning District with a Conditional Overlay Zone.

D. ZONING PETITIONS

31. **DOA1981-172(A)** Title: Resolution approving a Development Order Amendment, petition of Intra Coastal Packing, by Bradley Miller, Agent. Request: To add land area and square footage. General Location: SE corner of Military Trail and Marilyn Dr. (**INTRA COASTAL PACKING**)

Pages 365-387

Size: 0.71 acres ± (existing)
1.01 acres ± (proposed)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (5-0).

MOTION: To adopt a resolution approving the request to add land area and square footage.

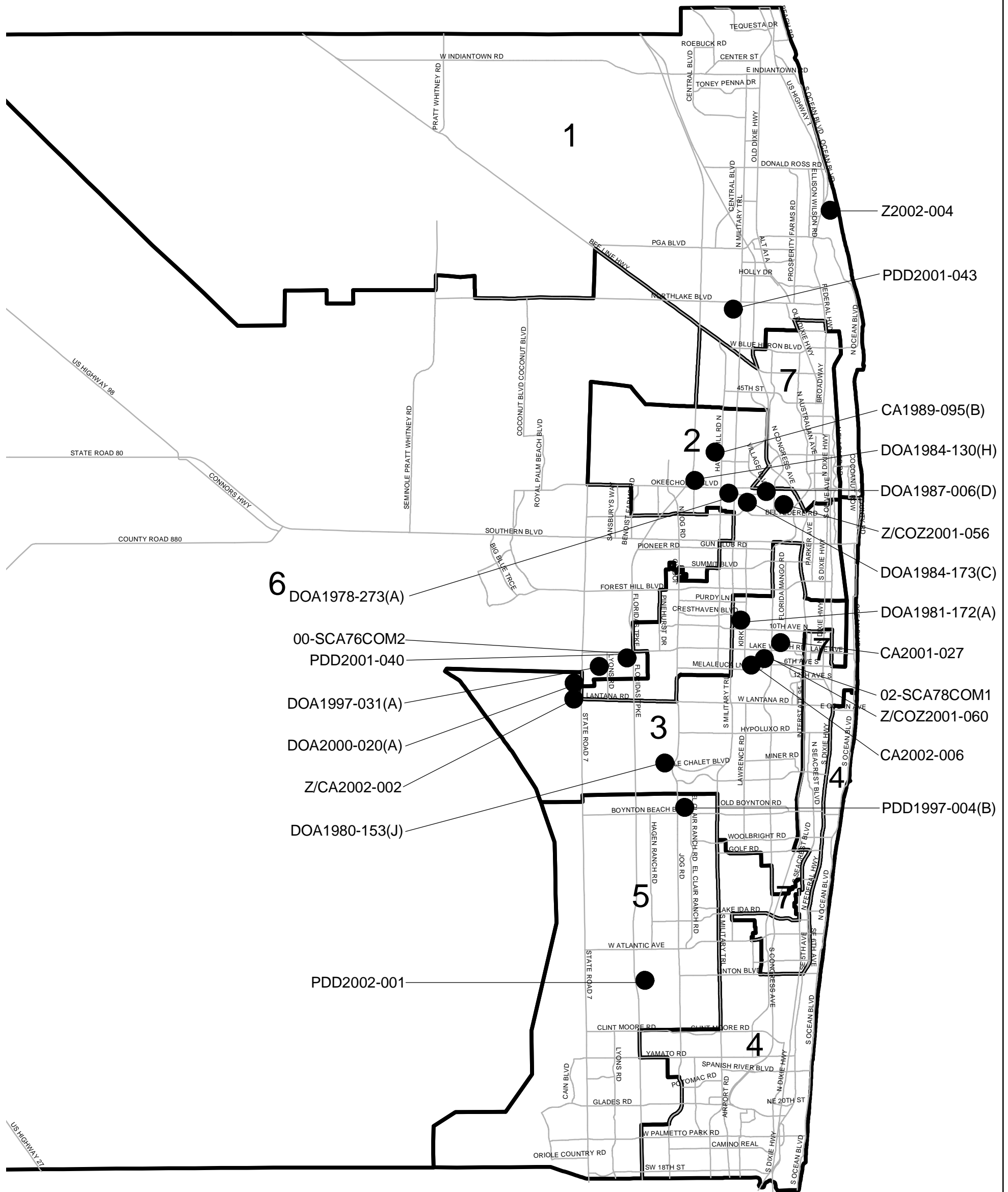
5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
THURSDAY, MAY 23, 2002**



9:30 A.M. IN THE JANE M. THOMPSON
MEMORIAL CHAMBERS
301 N. OLIVE AVE.
WEST PALM BEACH, FL 33401

In accordance with the ADA, this document may be requested in an alternative format. Auxiliary aids or services will be provided upon request with at least three days notice. Please contact Julie McKinney Zoning at 233-5221.

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**Planning, Zoning & Building
Department - GIS**

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