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

FEBRUARY 28, 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 3-7)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 8-10)

5. DIRECTOR COMMENTS (Page 10)

6. COMMISSIONER COMMENTS (Page 10)

7. ADJOURNMENT (Page 10)

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

THURSDAY FEBRUARY 28, 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 February 28, 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. Motion to adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **01-SCA 26 COM 1** Christopher S. Doyle, by Joseph J. Verdone, Carlton Fields Ward Et. Al. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 12 units per acre (HR-12) to Commercial High, with an underlying 12 units per acre (CH/12). General Location: 186 feet south of PGA Blvd. on the west side of Ellison Wilson Rd. (**PGA/ELLISON WILSON A.K.A HATTIES LANDING**)

N/A

Size: 2.22 acre ±

BCC District: 1

Staff Recommendation: Approval of the requested future land use change from HR-12 to CH/12, subject to a condition.

LPA Recommendation: Approval of staff's recommendation for a future land use change from HR-12 to CH/12, subject to two conditions. (8-1 vote)

MOTION: To continue to April 4, 2002.

2. **PDD/DOA1984-159(B)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Chris Doyle, by Joe Verdone, Agent. Request: Rezoning from Residential Medium Density (RM) to Multiple Use Planned Development (MUPD) Zoning District. Title: Resolution approving a Development Order Amendment petition of Chris Doyle, by Joe Verdone, Agent. Request: to add land area and square footage. General Location: SW corner Ellison Wilson Rd. and PGA Blvd. (**HATTIES LANDING**).

Page 1

Size: 3.97 acres ±

BCC District: 1

MOTION: To postpone to April 4, 2002. (Requested by petitioner. Staff supported.)

3. **DOA1995-022(B)** Title: Resolution approving a Development Order Amendment petition of Chrysler Realty Corp. by Kim Glas-Castro and Bonnie Miskel, Agent. Request: to reconfigure site plan, delete square footage, modify/delete conditions of approval and to add general repair and maintenance (requested use). General Location: South side of Okeechobee Blvd., immediately west of Florida's Turnpike (**ARRIGO DODGE**).

Page 2

Size: 29.09 acres ±

BCC District: 2

MOTION: None. Postponement by right to April 4, 2002. (Petitioner requested 30 days.)

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

- 4. **PDD/TDR2001-029** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Holiday Management Associates, by Land Design South, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) Zoning District. Title: Resolution approving the Transfer of Development Rights petition of Holiday Management Associates, by Land Design South, Agent. Request: for 95 TDR units and designating the subject site as the receiving area. General Location: Approx. 500 feet south of Hypoluxo Rd. on the east side of Military Trail (**COLONY CLUB APARTMENTS PUD**).

Pages 3-34

Size: 23.81 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 to a Planned Development District from Agricultural Residential to Residential Planned Unit Development Zoning District.

MOTION: To adopt a resolution approving the request for the Transfer of Development Rights for 95 TDR units and designating the subject site as the receiving area.

- 5. **EAC1990-030(F)** Title: Development Order Amendment /Expedited Application Consideration petition of Fountains of Boynton Associates, Ltd. by Robert E. Basehart, Agent. Request: to reconfigure site plan, add parking garage and increase building height. General Location: Northwest corner of Jog Rd. and Boynton Beach Blvd. (**FOUNTAINS OF BOYNTON**).

Pages 35-63

Size: 5 acres ± (affected)
24.13 acres ± (overall)

BCC District: 5

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 /Expedited Application Consideration to reconfigure site plan, add parking garage and increase building height.

C. ZONING PETITIONS – CONSENT

- 6. **Z/COZ2000-031(A)** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone petition of PBC Facilities Development & Operations by Melanie Borkowski, Agent. Request: Rezoning from General Commercial (CG) to Public Ownership with a Conditional Overlay Zone (PO/COZ). General Location: NE corner of Military Trail and Gun Club Rd. **(FOUR POINTS CENTER GOVERNMENTAL COMPLEX)**.

Pages 64-75

Size: 15.87 acres ±

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 with a Conditional Overlay Zone from General Commercial to Public Ownership with a Conditional Overlay Zone.

D. STATUS REPORTS – CONSENT

- 7. **SR 1998-021** Status Report for Resolutions R-98-1806 and R-98-1807 (Petition 98-21), the petition of Robert Whitaker, Trustee. Property owner: Robert J. Whitaker Tr. General Location: Approx. 0.1 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with a Class A Conditional Use to allow a professional/medical office **(CONGRESS PARK II MEDICAL CENTER)**.

Pages 76-79

Size: 2.98 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-1998-1807, and to approve a time extension until October 22, 2003, for Resolutions R-98-1806 and R-98-1807.

- 8. **SR 1998-022** Status Report for Resolutions R-98-1808 and R-98-1809 (Petition 1998-022), the petition of Jerry D. McCoy Trust. Property owner: Jerry D. McCoy TR. and Don E. McCoy TR. General Location: Approx. 0.2 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with Conditional Use A to allow a professional/medical office **(CONGRESS PARK I MEDICAL CENTER)**.

Pages 80-83

Size: 3.3 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (TPS) in resolution R-1998-1809, and to approve a time extension until October 22, 2003, for Resolutions R-98-1808 and R-98-1809.

9. **SR 80-211B.8** Status Report for Resolution R-90-51 (Petition 1980-211B), the petition of Military Trail Bakery Center. Property owner: Joyce A. Kjellgren. General Location: Approx. 0.2 mile south of Melaleuca Ln. on the east side of Military Tr. Current zoning: General Commercial with a Special Exception to allow a wholesale bakery (**MILITARY TRAIL BAKERY CENTER**).

Pages 84-86

Size: 1.3 acres ±

BCC District: 3

MOTION: To approve a time extension until January 2, 2004, for Resolution R-90-51.

10. **SR 81-1.4** Status Report for Resolution R-81-316 (Petition 81-1), the petition of Boca Golf & Tennis Club PUD. Property owner: Boca Golf & Tennis Property Owners. General Location: Approx. 500 feet north of Clint Moore Rd. on the west side of Congress Ave. Current zoning: Single Family Residential with a Special Exception for a Planned Unit Development (**BOCA GOLF & TENNIS CLUB PUD**).

Pages 87-90

Size: 312.2 acres ±

BCC District: 4

MOTION: To approve a time extension until June 13, 2002, for Resolution R-81-316.

11. **SR 1986-62B.2** Status Report for Resolution R-97-8 (Petition 86-62B), the petition of M. Trail, Inc. Property owner: M. Trail, Inc. General Location: Approx. 0.25 mile south of Cresthaven Blvd. on the west side of Military Trail. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development including a self-storage facility and vehicle rental (requested uses) (**MATTHEWS MINI STORAGE**).

Pages 91-94

Size: 3.94 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (architectural) in Resolution R-97-8, and approve a time extension until January 6, 2004, to commence development.

12. **SR 94-68.3** Status Report for Resolution R-95-5 (Petition 94-68), the petition of Laura Mount. Property owner: All Air Conditioned. General Location: Approx. 0.1 mile east of Congress Ave. on the northwest corner of Lake Worth Rd. and Engle Rd. Current zoning: General Commercial with a Class A Conditional Use allowing a self-storage facility.

Pages 95-98

Size: 3.8 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (architectural) in Resolution R-95-5, and approve a time extension until January 6, 2004, to commence development.

13. **SR 96-89.2** Status Report for Resolution R-97-15 (Petition 96-89), the petition of Sprint Spectrum L.P. Property owner: Stanley T. Vorsteg II et al, Stanley T. Vorsteg II Tr Hldr. General Location: Approx. 500 feet south of Okeechobee Blvd. on the west side of Folsom Rd. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a commercial communication tower (150 feet). (**FOLSOM ROAD TOWER**).

Pages 99-101

Size: 10.0 acres ±

BCC District: 6

MOTION: To approve a time extension until January 6, 2004, for Resolution R-97-15.

14. **CR 1980-167B/B6.2** Status Report for Resolution R-95-1735 (Petition 80-167B), the petition of Commercial Properties Development Corp. Property owner: West Palm Beach Fla CPDC, Ltd. General Location: northeast corner of Military Trail and Summit Blvd. Current zoning: General Commercial with a Development Order Amendment to increase square footage (5,000 S.F.) in an existing shopping center. (**POLO GROUNDS SHOPPING CENTER**).

Pages 102-105

Size: 17 acres ±

BCC District: 2

MOTION: To approve a time extension until June 30, 2002, to comply with condition number B.6. of Resolution R-95-1735.

15. **CR 1984-005B/E8** Status Report for Resolution R-2000-0590 (Petition 84-005B), the petition of United Cerebral Palsy. Property owner: United Cerebral Palsy Assn. General Location: NE corner of Coconut Rd. and 2nd Ave. North. Current zoning: Residential Single Family with a Class A Conditional Use to allow a general daycare (**UNITED CEREBRAL PALSY DAYCARE**).

Pages 106-109

Size: 3.28 acres ±

BCC District: 3

MOTION: To approve a time extension until July 1, 2002, to comply with condition number E.8. of Resolution R-2000-0590.

16. **CR 1996-031A** Status Report for Resolution R-99-100 (Petition 96-31A), the petition of Z.E. Taheri & MDL Realty Co. Property owner: MDL Realty Company, et al. General Location: east side of Jog Rd., south of Belvedere Rd. Current zoning: Planned Unit Development with a Development Order Amendment (DOA) to amend PDP to add access point; reconfigure master plan and delete Conditions F.1 thru F.5 (landscaping) (**JOG ROAD PUD (TAHERI)**).

Pages 110-114

Size: 93.38 acres ±

BCC District: 6

MOTION: To approve a time extension until May 1, 2002, to comply with condition numbers R.1., R.2, and R.3. of Resolution R-99-100.

E. ABANDONMENT RESOLUTION

17. **ABN 1995-046** Abandonment Resolution: To abandon a Voluntary Density Bonus to allow for 17 units granted by Resolution R-95-1321.4.

Pages 115-116

MOTION: To adopt a resolution approving the abandonment of a Voluntary Density Bonus to allow for 17 units granted by Resolution R-95-1321.4.

F. CORRECTIVE RESOLUTIONS

18. **Z1978-239(B)**

Corrective Resolution: To correct the legal description of Resolution R-2001-0610. (**ST. HERMANS ORTHODOX CHURCH**)

Pages 117-118

MOTION: To adopt a resolution to correct the legal description of Resolution R-2001-0610.

19. **DOA1978-239(B)**

Corrective Resolution: To correct the legal description of Resolution R-2001-0611. (**ST. HERMANS ORTHODOX CHURCH**)

Pages 119-120

MOTION: To adopt a resolution to correct the legal description of Resolution R-2001-061.

20. **PDD2000-091**

Corrective Resolution: To correct the legal description of Resolution R-2001-0612. (**HYPOLUXO SQUARE**)

Pages 121-122

MOTION: To adopt a resolution to correct the legal description of Resolution R-2001-0612.

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. PREVIOUSLY POSTPONED SMALL SCALE AMENDMENT AND ZONING PETITION

21. **02-SCA 71 COM 2** George F. and Cheryl Cassell, Neil and Andrea Stringer, Southern Development, by Kieran Kilday, Kilday and Associates, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to Commercial High (CH) with cross-hatching with a condition. General Location: Approx. 240 feet west of Military Trail on the Northwest corner of Military Trail and Purdy Lane. **(MILITARY TRAIL/PURDY LANE)**

Pages 123-152

Size: 0.78 acre ±

BCC District: 2

Staff Recommendation: Denial of the applicants request

LPA Recommendation: Approval of the applicant's request for a future land use change from MR-5 to CH with crosshatching with a condition. (12-1 vote).

MOTION: To deny the request for a land use change from MR-5 to CH with cross-hatching.

22. **Z/COZ2001-051** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone petition of Southern Development Services by Kilday & Associates, Agent. Request: Rezoning from Residential Medium Density (RM) to General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approx 100 feet north of Purdy Ln. on the west side of Military Tr. **(MILITARY PURDY REZONING)**.

Pages 153-173

Size: 2.97 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions of approval.

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

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

C. PREVIOUSLY POSTPONED ZONING PETITIONS

23. **Z/CA2001-017** Title: Resolution approving an Official Zoning Map Amendment petition of BP Amoco, by Nick Nichols, Agent. Request: Rezoning from Residential High Density (RH) to General Commercial (CG) Zoning District. Title: Resolution approving a Class A Conditional Use petition of BP Amoco, by Nick Nichols, Agent. Request: to allow a convenience store with gas sales. General Location: Southwest corner of Boutwell Ave. and 10th Ave. North (**10TH AVENUE/BOUTWELL AMOCO**).

Pages 174-203

Size: 1.14 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (4-2).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Residential High Density to General Commercial Zoning District.

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow a convenience store with gas sales.

D. ZONING PETITIONS

24. **Z/DOA1981-096(B)** Title: Resolution approving an Official Zoning Map Amendment petition of Solid Waste Authority and Lantana Mango and Orange Farms Inc. by Kieran Kilday, Agent. Request: Rezoning from General Commercial/Special Exception (CG/SE) and Residential Single Family (RS) to Public Ownership (PO). Title: Resolution approving a Development Order Amendment petition of Solid Waste Authority and Lantana Mango and Orange Farms Inc. by Kieran Kilday, Agent. Request: to reconfigure site plan to add land area and square footage. General Location: Approx. 0.25 mile west of Interstate 95 on the south side of Lantana Rd. (**LANTANA TRANSFER STATION**).

Pages 204-238

Size: 9 acres ± (existing)
50 (+41) acres ± (proposed)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: This request meets Comprehensive Plan and ULDC Criteria to permit this non-residential use in a residential area.

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from General Commercial/Special Exception and Residential Single Family to Public Ownership.

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

E. APPEAL FOR LANTANA TRANSFER

25. **CB1981-096(B)** was heard at January 4, 2002 Zoning Commission.

(under separate cover)

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

26. [Permission to Advertise School Concurrency/General Issues Ordinance](#)

(under separate cover)

27. [Permission to Advertise Vacant Lot/Landscaping and Clearing Ordinance](#)

(under separate cover)

6. COMMISSIONER COMMENTS

7. ADJOURNMENT

