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

MARCH 27, 2003

**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

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 March 27, 2003 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication
- E. Swearing In
- F. Adoption of Agenda

2. POSTPONEMENTS/ WITHDRAWALS (Pages 1-3)

3. CONSENT AGENDA (Pages 4-9)

- o Staff
- o Board
- o Public

4. REGULAR AGENDA (Pages 10-11)

5. DIRECTOR COMMENTS (Page 11)

6. COMMISSIONER COMMENTS (Page 11)

7. ADJOURNMENT (Page 11)

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

THURSDAY MARCH 27, 2003

1. CALL TO ORDER

- A. Roll Call – **9:30 A.M.**
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication – Motion to receive and file
- E. Swearing In – County Attorney
- F. Motion to Adopt Agenda

2. POSTPONEMENTS, WITHDRAWALS

A. POSTPONEMENTS

- 1. **Z2002-064** Title: Resolution approving an Official Zoning Map Amendment petition of G.B. Enterprises of Southwest Florida by George Gentile, ASLA, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approx. 0.5 mile east of Jog Rd. bound on the north and south by Belvedere Rd. and Southern Blvd. (**JOHNSON LINEAR PARK**).

Page 1

Size: 24.25 acres ±

BCC District: 6

MOTION: To postpone to April 24, 2003. (Petitioner requested 30 days).

- 2. **PDD2002-020** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of George & Dorothy Haas by Robert Bentz, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 0.25 mile south of Lake Worth Rd. on the east side of Lyons Rd. (**BERNARD HAAS PUD**).

Page 2

Size: 47.96 acres ±

BCC District: 6

MOTION: To postpone to April 24, 2003. (Petitioner requested 30 days).

3. **EAC2001-017A** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of BP Products North America Inc. by Timothy Bauer, Agent. Request: To modify/delete a condition of approval. General Location: SW corner of 10th Ave. North and Boutwell Rd. (**10TH & BOUTWELL BP**).

Page 3

Size: 1.0 acres ±

BCC District: 3

MOTION: To postpone to April 24, 2003. (Petitioner requested 30 days).

4. **PDD/TDR1995-118B** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of AMKBJ Partners Ltd. by Joe Lelonek, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District with an existing commercial communication tower in the public civic tract (requested use). Title: Resolution approving a Transfer of Development Rights petition of AMKBJ Partners Ltd. by Joe Lelonek, Agent. Request: To allow the Transfer of Development Rights for 3 units and to designate this petition as the receiving area. General Location: Approx. 750 feet west of Lyons Rd. on the south side of Lantana Rd. (**LANTANA ROAD PUD**).

Pages 4-35

Size: 62.05 acres ±

BCC District: 3

MOTION: To postpone to April 24, 2003. (Staff recommends 30 days).

5. **PDD2002-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lawrence Gideon Johnson by George G. Gentile, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: SE corner of Belvedere Rd. and Florida's Turnpike. (**JOHNSON PROPERTY MUPD**)

Pages 36

Size: 54.6 acres ±

BCC District: 6

MOTION: To postpone to May 22, 2003. (Petitioner requested 60 days).

B. WITHDRAWALS

6. **DOA1981-186H** Title: Resolution approving a Development Order Amendment petition of Spilan Inc. by Sara Lockhart, Agent. Request: To allow a restaurant, fast food. General Location: Northeast corner of Lantana Rd. and Jog Rd. (**POLLO TROPICAL**).

Page 37

Size: 1.0 acres ± (affected area)

BCC District: 3

MOTION: None. (Requested by petitioner)

7. **CR 1999-077/E2** Status Report for Resolution R-2000-1234 (Petition 1999-077), the petition of Arthur Leibovit, Helen Godfriend, Irving Denmark. Property owner: Weldon Townhouse Limited. General Location: SE corner of SR7/US441 and Okeechobee Blvd. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 38-41

Size: 40 acres ±

BCC District: 6

MOTION: None. (Staff has determined that there has been a government caused delay which qualifies for a staff approved time extension until May 1, 2003.)

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. REMAND

- 8. **PDD1998-073(4)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Herbert F. Kahlert & Karl A. Kahlert by Kieran J. Kilday, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District with a hotel/motel and a restaurant, fast food (requested uses). General Location: Southwest corner Hagen Ranch Rd. and Boynton Beach Blvd. (**NEW ALBANY POD E**).

Pages 42-43

Size: 23.88 acres ±

BCC District: 5

MOTION: To remand back to the June 11, 2003 DRC meeting. (Requested by petitioner)

C. PREVIOUSLY POSTPONED ZONING PETITIONS

- 9. **Z/DOA1988-019A** Title: Resolution approving an Official Zoning Map Amendment petition of Seymour & Susan Applebaum by Anna Cottrell, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District. Title: Resolution approving a Development Order Amendment petition of Seymour & Susan Applebaum by Anna Cottrell, Agent. Request: To reconfigure site plan. General Location: Approx. 1,000 feet south of Belvedere Rd. on the west side of Benoist Farms Rd. (**BENOIST FARMS ROAD PROPERTY**).

Pages 44-66

Size: 10 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Light Industrial Zoning District.

MOTION: To adopt a resolution approving the request to reconfigure site plan.

D. ZONING PETITIONS – CONSENT

- 10. **Z/COZ2002-063** Title: Resolution approving an Official Zoning Map Amendment petition of Communities Finance Co. by Kieran J. Kilday, Agent. Request: Rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Residential Transitional Suburban (RTS) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approx. 2,700 feet north of Donald Ross Road on the east side of Palmwood Road (**HARBOR PLACE**).

Pages 67-84

Size: 5.7 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Light Industrial and the Agricultural Residential Zoning Districts to the Residential Transitional Suburban Zoning District with a Conditional Overlay Zone.

E. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT

- 11. **SR1980-173C.4** Status Report for Resolution R-94-1681 (Petition 1980-173C), the petition of Wal-Mart Stores, Inc. Property owner: Wal-Mart Stores #1398. General Location: northwest corner of Hypoluxo Rd. and Military Trail. Current zoning: General Commercial with a Development Order Amendment to increase square footage in a Planned Commercial Development (**WAL-MART PLAZA**).

Pages 85-88

Size: 9.75 acres ±

BCC District: 3

MOTION: To approve a time extension until August 10, 2003, for Resolution R-94-1681.

- 12. **SR1987-033A.8** Status Report for Resolutions R-91-246 and R-91-247 (Petition 1987-033A), the petition of Gator Pond Properties II, Inc. Property owner: Family Inc. of Palm Beaches and LJR Assoc. Prop. Ltd. General Location: SW corner of Westgate Ave. and Congress Ave. Current zoning: General Commercial 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.

Pages 89-92

Size: 2.3 acres ±

BCC District: 2

MOTION: To approve a time extension until August 10, 2003, for Resolutions R-91-246 and R-91-247.

F. STATUS REPORTS – CONSENT

- 13. **SR1978-040A** Status Report for Resolution R1999-104 (Petition 1978-040A), the petition of Nicholas & Joan Wellman. Property owner: Wellman Care, Inc. and Ortega Mgmt. Corp. General Location: Northwest corner of Melaleuca Ln. and Military Tr. Current zoning: General Commercial with a Special Exception to allow a daycare, general (125 children); convenience store with gas sales and retail; financial center; office building (**WELLMAN PLAZA**).

Size: 3.53 acres ±

BCC District: 3

Pages 93-96

MOTION: To approve a time extension until August 10, 2003, for Resolution R-1999-104.

- 14. **SR1982-002B** Status Report for Resolutions R-2000-115 and R-2000-116 (Petition 1982-002B), the petition of WCI Communities Ltd. Property owner: Florida National Properties, Inc. General Location: north of the Broward county line, east of the conservation area. Current zoning: Special Agricultural with a Class A Conditional Use to allow a Type III B excavation (**BISHOP PROPERTY**).

Pages 97-100

Size: 398.94 acres ±

BCC District: 5

MOTION: To approve a time extension until August 10, 2003, for Resolutions R-2000-115 and R-2000-116.

- 15. **SR 1985-084C.2** Status Report for Resolution R-97-958 (Petition 1985-84C), the petition of Berean Baptist Church of West Palm Beach. Property owner: Berean Baptist Church of West Palm Beach. General Location: Approx. 0.4 mile west of Benoist Farms Rd. on the south side of Okeechobee Blvd. Current zoning: Residential Single Family with a Special Exception to allow church with a child daycare facility and school (**BEREAN BAPTIST TEMPLE**).

Pages 101-104

Size: 18.79 acres±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolution R-97-958.

- 16. **SR 1985-113B.8** Status Report for Resolution R-94-12 (Petition 1985-113B), the petition of William and Daphne Cleve. Property owner: Francalby Corp. General Location: northeast corner of Hypoluxo Rd. and High Ridge Rd. Current zoning: Community Commercial with a Conditional Overlay Zone.

Pages 105-108

Size: 4.04 acres ±

BCC District: 3

MOTION: To approve a time extension until August 10, 2003, for Resolution R-94-12.

17. **SR 86-114B** Status Report for Resolution R-97-148 (Petition 86-114B), the petition of Summit Christian School. Property owner: Summit Christian School of Palm Beach County. General Location: southeast corner of Haverhill Rd. and Summit Blvd. Current zoning: Multiple Family Residential (Medium Density) with a Special Exception to allow a private educational institutional including a day care facility (**SUMMIT CHRISTIAN SCHOOL**).

Pages 109-112

Size: 18.16 acres ±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolution R-97-148.

18. **SR 1987-118.10** Status Report for Resolutions R-88-1803 and R-88-1804 (Petition 1987-118), the petition of Thomas B. and Nancy S. Cushing. Property owner: Thomas B. & Nancy P. Cushing. General Location: approx. 330 feet northeast of the intersection of Johnson Lane and Fairgrounds Rd. Current zoning: Light Industrial with a Special Exception to permit a Planned Industrial Park Development (**BELVEDERE P.I.D.**).

Pages 113-116

Size: 5.0 acres ±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolutions R-88-1803 and R-88-1804.

19. **SR 1994-036.4** Status Report for Resolution R-94-1086 (Petition 1994-036), the petition of Valerie Zammit. Property owner: Valerie T. Zammit, TR. General Location: Approx. 0.25 miles east of Pike Rd. on the south side of Belvedere Rd. Current zoning: Light Industrial with a Conditional Overlay Zone (**ZAMMIT PETITION**).

Pages 117-120

Size: 12.5 acres ±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolution R-94-1086.

20. **SR 1995-031.6** Status Report for Resolution R-95-1115 (Petition 1995-031), the petition of Johnson Brothers Consolidated Waste, Inc. Property owner: Kirms Communications, Inc. General Location: Approx. 0.1 mile north of Southern Blvd. on the west side of Tall Pines Rd. Current zoning: Light Industrial (**JOHNSON PROPERTY**).

Pages 121-124

Size: 0.74 acres ±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolution R-95-1115.

21. **SR 1997-071.2** Status Report for Resolution R-98-125 (Petition 1997-071), the petition of Oriole Homes Corp. Property owner: Anasca Office Building, Ltd. General Location: Approx. 0.4 mile west of Hagen Ranch Rd. on the north side of Boynton Beach Blvd. Current zoning: Multiple Use Planned Development (**HAGEN & BOYNTON OFFICE**).

Pages 125-128

Size: 4.24 acres ±

BCC District: 5

MOTION: To approve a time extension until August 10, 2003, for Resolution R-98-125.

22. **SR 1998-042.2** Status Report for Resolution R-98-1313 (Petition 1998-042), the petition of Bruce K. Greenfield & Charles E. Vallovich. Property owner: Nicholas Rizzo TR & Lori RizzoTR. General Location: Approx. 1,300 feet west of "D" Rd. on the north side of Southern Blvd. Current zoning: Community Commercial (**SOUTHERN RETAIL**).

Pages 129-132

Size: 1.76 acres ±

BCC District: 6

MOTION: To approve a time extension until August 10, 2003, for Resolution R-98-1313.

23. **SR 1998-062.2** Status Report for Resolution R-99-99 (Petition 1998-062), the petition of Pike Investments, Inc. and Capital Resources Group, Inc. Property owner: Pike Investments, Inc. General Location: Approx. 1,000 ft. east of Pike Rd. on the north side of 7th Place North. Current zoning: Light Industrial (**WEITZ AND SPARLING**).

Pages 133-136

Size: 10.00 acres ±

BCC District: 6

MOTION: To approve a time extension until January 28, 2004, for Resolution R-99-99.

24. **SR 1999-065** Status Report for Resolution R-2000-0119 (Petition 1999-065), the petition of H. C. Summers (Estate). Property owner: ZS Properties. General Location: Approx. 0.5 mile south of Boynton Beach Blvd. on the west side of Jog Rd. Current zoning: Planned Unit Development (**JOG PINES PUD/CLF**).

Pages 137-139

Size: 5.3 acres ±

BCC District: 5

MOTION: To approve a time extension until August 10, 2003, for Resolution(s) R-2000-0119.

G. CORRECTIVE RESOLUTIONS

25. **DOA1976-006A** Corrective Resolution: To correct the legal description contained in Resolution R-2001-0813.

Pages 140-141

MOTION: To adopt a resolution correcting the legal description contained in Resolution R-2001-0813.

26. **DOA1976-006B** Corrective Resolution: To correct the legal description contained in Resolution R-2002-1234.

Pages 142-143

MOTION: To adopt a resolution correcting the legal description contained in Resolution R-2002-1234.

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 ZONING PETITIONS

27. **DOA2001-057A** Title: Resolution approving a Development Order Amendment petition of The William Chinnick Charitable Foundation Inc. by Robert Bentz, Agent. Request: To modify/delete condition of approval and add students. General Location: Approx. 0.5 mile west of the Florida Turnpike on the north side of Boynton Beach Blvd. (**ST. JOSEPH'S**).

Pages 144-171

Size: 54.95 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to modify/delete condition(s) of approval and add students.

28. **Z2002-049** Title: Resolution approving an Official Zoning Map Amendment petition of Don and Susan Delucia by Robert Bentz, Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approx. 300 feet south of Avenida Del Rio Rd. on the west side of SR 7/US 441 (**DELRAY PLAZA**).

Pages 172-192

Size: 0.91 acres ±

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 rezoning from the Agricultural Reserve Zoning District to the Community Commercial Zoning District with a Conditional Overlay Zone.

29. **Z1981-224A** Title: Resolution approving an Official Zoning Map Amendment petition of RPG of S. Florida by Robert Bentz, Agent. Request: Rezoning from the Specialized Commercial (CS) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approx. 600 feet south of Avenida Del Rio Rd. on the west side of SR 7/US 441 (**VALENCIA CENTER**).

Pages 193-216

Size: 0.78 acres ±

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 rezoning from the Specialized Commercial Zoning District to the Community Commercial Zoning District with a Conditional Overlay Zone.

MOTION: To adopt a resolution approving the request to abandon the special exception granted under Resolution R-82-0141 to allow a Planned Office Business Park.

5. DIRECTOR COMMENTS

A. ZONING DIRECTOR

B. PLANNING DIRECTOR

30. **COMMERCIAL LOW APPEAL**

Formal appeal of the Planning Division's interpretation and the Land Use Advisory Board (LUAB/LPA) determination of the Comprehensive Plan with respect to a Commercial Low Future Land Use Atlas (FLUA) designation determination. Applicant: Neil J. Gaeta, Gaeta Development Co. The site is located southwest corner of Okeechobee Blvd. and Skees Rd.

Pages 217-226

Size: 13.3 acre ±

BCC District: 2

Staff Recommendation: Accept the Planning Division Interpretation of the Comprehensive Plan.

LPA Recommendation: Accept the Planning Division Interpretation of the Comprehensive Plan.

MOTION: To accept the Planning Division Interpretation, and the LUAB/LPA Determination, of the Comprehensive Plan.

6. COMMISSIONER COMMENTS

7. ADJOURNMENT