

**All items on the  
September 10, 2004 BCC Agenda  
will be re-scheduled to the  
September 20 & 30, 2004 Agenda.**

**Please see the Agenda as soon as  
it becomes available.**

Karen Marcus, Chair  
Tony Masilotti, Vice Chair  
Jeff Koons  
Warren H. Newell  
Mary McCarty  
Burt Aaronson  
Addie L. Greene



Robert Weisman

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

**SEPTEMBER 10, 2004**

**FRIDAY  
9:30 AM**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER-**
  - A. Roll Call
  - B. Opening Prayer and Pledge of Allegiance
  - C. Proof of Publication
  - D. Swearing In
  - E. Adoption of Agenda
  
- 2. POSTPONEMENTS/WITHDRAWALS (Pages1-3)**
  
- 3. CONSENT AGENDA (Pages 4-7)**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 8-13)**
  
- 5. DIRECTOR COMMENTS (Page 13)**
  
- 6. COMMISSIONER COMMENTS (Page 13)**
  
- 7. ADJOURNMENT (Page 13)**

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

**SEPTEMBER 10, 2004**

**1. CALL TO ORDER**

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

**2. POSTPONEMENTS/WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **CA/DOA1986-064B** Title: Resolution approving a Class A Conditional Use petition of Holy Spirit Lutheran Church, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To allow a private school. Title: Resolution approving a Development Order Amendment petition of Holy Spirit Lutheran Church, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To reconfigure site plan and add square footage. General Location: Approximately 0.6 mile south of Donald Ross Road on the west side of Ellison Wilson Road (**HOLY SPIRIT LUTHERAN CHURCH**).

Page 1

Size: 5.25 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to September 30, 2004 (Petitioner requested).

- 2. **AI-2004-02** Palm Beach Park of Commerce

N/A

MOTION: To postpone thirty (30) days to September 30, 2004.



7. **CR 2002-020/E7** Status Report for Resolution R-2003-0561 (Petition 2002-020), the petition of George Haas & Dorothy Haas & Edward Bernard. Property owner: Haas Properties LLC. General Location: Approximately 1/4 mile south of Lake Worth Road on the east side of Lyons Road. Current zoning: Residential Planned Unit Development (**BERNARD HAAS PUD**).

Pages 17-20

Size: 47.96 acres ±

BCC District: 6

MOTION: None required.

**– END OF POSTPONEMENTS/WITHDRAWALS –**

**3. CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. PREVIOUSLY POSTPONED ZONING PETITIONS**

- 8. **DOA1992-048C** Title: Resolution approving a Development Order Amendment petition of Muslim Community Center, by Tasnim Uddin & Assoc. Int'l, Inc., Agent. Request: To add land area for off-site parking and to modify a condition of approval. General Location: Approximately 300 feet east of Haverhill Road on the north and south sides of Purdy Lane (**MUSLIM COMMUNITY CENTER**).

Pages 21-45

Size: 4.98 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area for off-site parking and to modify a condition of approval.

**C. ZONING PETITIONS**

- 9. **DOA/EAC2004-347** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Vincent and Maria Disisto & Chevron USA, by Land Design South, Agent. Request: To modify a condition of approval for a previously approved Multiple Use Planned Development. General Location: Northeast corner of Lake Worth Road and Nassau Road (**LAKE WORTH & NASSAU MUPD**).

Pages 46-70

Size: 8.39 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving a Development Order Amendment/Expedited Application Consideration to modify a condition of approval.

10. **DOA/EAC1987-150B** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Florence Fuller Child Development Ctr., by Land Research Management, Inc., Agent. Request: To modify a condition of approval for a previously approved daycare, general. General Location: Approximately 500 feet west of SR 7 on the south side of Yamato Road (**FLORENCE FULLER CHILD DEVELOPMENT CENTER**).

Pages 71-87

Size: 5.96 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving a Development Order Amendment/Expedited Application Consideration to modify a condition of approval.

11. **DOA2004-302** Title: Resolution approving a Development Order Amendment petition of Atlantic Retail LLC, by Ruden McClosky, Agent. Request: To modify/delete a condition of approval. General Location: Southeast corner of Atlantic Avenue and Jog Road (**RBC CENTURA BANK**).

Pages 88-110

Size: 2.79 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to modify/delete a condition of approval.

12. **DOA1996-019A** Title: Resolution approving a Development Order Amendment petition of All Star Kids Early Learning Ctr., Inc., by Miller Land Planning Consultants, Inc., Agent. Request: To add square footage and reconfigure site plan. General Location: Southwest corner of 143rd Drive and Orange Boulevard (**ALL STAR KIDS LEARNING CTR.**).

Pages 111-131

Size: 2.0 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to add square footage and reconfigure site plan.

**D. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT**

- 13. **SR 1984-163A.6** Status Report for Resolution R-1994-358 (Petition 1984-163A), the petition of Arcadia Properties. Property owner: Alweiss Enterprises. General Location: Approximately 2 miles north of West Atlantic Avenue on the south side of Steiner Road, west of Military Trail. Current zoning: Community Commercial with a Conditional Overlay Zone (**ARCADIA PROPERTIES**).

Pages 132-135

Size: 4.04 acres ±

BCC District: 5

MOTION: To approve a time extension until May 24, 2006, for Resolution R-1994-358.

- 14. **SR 1999-077** 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: Approximately 375 feet east of SR 7/US441 on the south side of Okeechobee Boulevard. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 136-139

Size: 40 acres ±

BCC District: 6

MOTION: To approve on second reading, and adopt a resolution for an Official Zoning Map Amendment from the Residential Planned Unit Development Zoning District to the Single Family Residential Zoning District.

**E. STATUS REPORTS – CONSENT**

- 15. **SR 81-233.6** Status Report for Resolutions R-1982-151 and R-1982-152 (Petition 1981-233), the petition of Crouch-Palermo Florida, Inc. Property owner: Fairfield Communities, Inc. General Location: Southwest corner of Florida's Turnpike and Lantana Road. Current zoning: Residential Transitional with a Special Exception to allow a Planned Unit Development, including an on-site water and sewage treatment facility and excavation (**BALMORAL PUD**).

Pages 140-143

Size: 5.24 acres ± of a 271 acre PUD

BCC District: 3

MOTION: To approve a time extension until June 13, 2006, for Resolutions R-1982-151 and R-1982-152.



16. **SR 1995-090** Status Report for Resolution R-1996-0131 (Petition 1995-090), the petition of Robert F. Griffith, Jr. & Gene Moore, III. Property owner: Formation Properties III, LLC. General Location: Approximately 0.1 mile north of Old Boynton West Road on the east side of Lawrence Road. Current zoning: Single Family Residential with a Class A Conditional Use to allow a nursing facility or convalescent center (**MARINER HEALTH CARE**).

Pages 144-147

Size: 9.82 acres ±

BCC District: 3

MOTION: To approve a time extension until June 25, 2006, for Resolution R-1996-0131.

17. **CR 2001-013/E1** Status Report for Resolution R-2001-1857 (Petition 2001-013), the petition of Southeastern Conf. Assoc. of 7th Day Adventist, Inc. Property owner: Southeastern Conference Assn. General Location: Southwest corner of Okeechobee Boulevard and "E" Road. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a church (**FIRST S.D.A. CHURCH OF ROYAL PALM BEACH**).

Pages 148-151

Size: 5.03 acres ±

BCC District: 6

MOTION: To approve a time extension until February 1, 2005, to comply with condition number E.1. of Resolution R-2001-1857.

## F. ABANDONMENT RESOLUTIONS

18. **ABN1978-003** To abandon the Special Exception for a Planned Industrial Development granted by Resolution R-1978-217. (**WATERLINK TECHNOLOGIES**)

Pages 152-154

BCC District: 6

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow a Planned Industrial Development granted under Resolution R-1978-217.

19. **ABN1977-141A** To abandon the Development Order Amendment to allow a convenience store with gas sales granted by Resolution R-1999-0965. (**CHEVRON #47205**)

Pages 155-157

BCC District: 4

MOTION: To adopt a resolution approving the abandonment of a Development Order Amendment to allow a convenience store with gas sales granted by Resolution R-1999-0965.

**– END OF CONSENT AGENDA –**

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION

20. **SCA 2004-00004** Wilson B. Greaton, Jr. and Colson & Colson Construction Co., by Curry Brandaw Architects and Miller Land Planning Consultants, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Commercial Low - Office (CL-O), with conditions on 6.21 acres to Commercial Low - Office, with an underlying 8 units per acre (CL-O/8), with conditions. General Location: Approximately 0.25 mile north of Gateway Boulevard on the east side of Military Trail (**MILITARY/GATEWAY CLF** a.k.a. **SOUTHWIND HEIGHTS**)

Pages 158-179

Size: 6.21 acre ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from CL-O with conditions to CL-O/8 with conditions.

LPA Recommendation: Approval of the applicant's request for a future land use change from CL-O with conditions to CL-O/8 with conditions (11-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from CL-O, with conditions to CL-O/8, with conditions.

21. **PDD/R/TDR2003-105** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Colson & Colson Construction Co., by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use petition of Colson & Colson Construction Co., by Miller Land Planning Consultants, Inc., Agent. Request: To allow a Congregate Living Facility, Type III. Title: Resolution approving a Transfer of Development Rights petition of Colson & Colson Construction Co., by Miller Land Planning Consultants, Inc., Agent. Request: To allow the Transfer of Development Rights for 8 units and to designate this petition as the receiving area. General Location: Approximately 0.25 mile north of Gateway Boulevard on the east side of Military Trail (**SOUTH WIND HEIGHTS**).

Pages 180-208

Size: 6.21 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Multiple Use Planned Development District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving a Requested Use to allow a Congregate Living Facility, Type III.

MOTION: To adopt a resolution approving the Transfer of Development Rights for 8 units and to designate this petition as the receiving area.

**C. PREVIOUSLY POSTPONED ZONING PETITIONS**

22. **DOA1998-032A** Title: Resolution approving a Development Order Amendment petition of Southern Waste Systems, Ltd., by Sara Lockhart, Agent. Request: To modify/delete conditions of approval for a previously approved MUPD with a permanent air curtain incinerator. General Location: Northeast corner of Cleary Road and Wallis Road (**PALM BEACH TRANSFER & RECYCLING**).

Pages 209-242

Size: 8.75 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to modify/delete conditions of approval .

23. **PDD2003-085** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Simsational Homes, LLC, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 0.5 mile south of Lake Ida Road on the west side of Sims Road (**ASPEN GLEN PUD**).

Pages 243-268

Size: 11.85 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

24. **PDD2004-014** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Gordon WPB, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 4,400 feet west of Haverhill Road on the south side of Belvedere Road (**FAIRWAY LAKE PUD**).

Pages 269-311

Size: 31.22 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow recreation facilities including a private golf course and country club granted by Resolution R-1985-0722.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

25. **PDD2003-058** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Coral Lakes Apartments, by Richard W. Carlson, Jr., Esq., Agent. Request: Rezoning from the Residential Planned Unit Development (PUD) District to the Multiple Use Planned Development (MUPD) District. General Location: Approximately 600 feet north of Melaleuca Lane on the west side of Congress Avenue (**CORAL LAKES CENTER**).

Pages 312-340

Size: 18.26 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Residential Planned Unit Development District to the Multiple Use Planned Development District.

#### D. ZONING PETITIONS

26. **DOA1985-089C** Title: Resolution approving a Development Order Amendment petition of Belvedere Isles Developers, Inc., by Land Design South, Agent. Request: To delete land area. General Location: Northwest corner of Golden Lakes Boulevard and Belvedere Road (**GOLDEN LAKES VILLAGE PUD SECTION 18**).

Pages 341-355

Size: 18.18 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area.

27. **PDD2003-090** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Dorismae Kerns & Charles Warwick III, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and the Single Family Residential /Special Exception (RS/SE) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Northwest corner of Belvedere Road and Golden Lakes Boulevard (**BELVEDERE ISLES II PUD**).

Pages 356-377

Size: 25.58 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District and the Single Family Residential Zoning District with a Special Exception to the Residential Planned Unit Development District.

28. **PDD2003-074** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of AMKBJ Partners Ltd. & Tuttle Land Holding Corp., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 1,572 feet east of SR 7/US 441 on the south side of Pioneer Road (**PIONEER TRAIL PUD**).

Pages 378-399

Size: 38.5 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

29. **Z2004-017** Title: Resolution approving an Official Zoning Map Amendment petition of Victor & Eloisa Gonzalez, by John T. Paxman, PA, Agent. Request: Rezoning from the Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the General Commercial (CG) Zoning District. General Location: Southwest corner of Lake Worth Road and Price Street (**TACOS AL CARBON**).

Pages 400-418

Size: .24 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Neighborhood Commercial and Multifamily Residential Zoning Districts to the General Commercial Zoning District with a Conditional Overlay Zone.

30. **PDD2004-232** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Ascot Development, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Approximately 700 feet north of Atlantic Avenue on the east side of SR 7/US 441 (**ASCOT DEVELOPMENT PUD**).

Pages 419-456

Size: 330.60 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District.

- 5. **DIRECTOR COMMENTS**
  - A. **PLANNING DIRECTOR**
  - B. **ZONING DIRECTOR**
- 6. **COMMISSIONER COMMENTS**
- 7. **ADJOURNMENT**