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

AUGUST 25, 2005

**THURSDAY
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 (Pages 1-3)**

- 3. CONSENT AGENDA (Pages 4-7)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 8-14)**

- 5. DIRECTOR COMMENTS (Pages 15-16)**

- 6. COMMISSIONER COMMENTS (Page 16)**

- 7. ADJOURNMENT (Page 16)**

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

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

AUGUST 25, 2005

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

A. POSTPONEMENTS

- 1. **DOA2005-305** Title: Resolution approving a Development Order Amendment application of AT & T Corporation, by Moyle, Flanigan, Agent. Request: To modify/delete conditions of approval, reconfigure the site plan and add square footage. General Location: South of Glades Road on the west side of Boca Rio Road (**SPACE PLUS**). (Control 1997-032)

N/A

Size: 3.0 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

- 2. **Z/CA2004-497** Title: Resolution approving an Official Zoning Map Amendment application of Bethel Temple of Lake Worth, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution approving a Class A Conditional Use application of Bethel Temple of Lake Worth, by Land Research Management, Inc., Agent. Request: To allow a church or place of worship. General Location: Northwest corner of Lake Worth Road and Blanchette Trail (**BETHEL ASSEMBLY OF GOD**). (Control 2004-009)

N/A

Size: 18.26 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

3. **PDD/R/TDR2003-079** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Windsor Place, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Mixed Use Planned Development (MXPDP) District. Title: Resolution approving a Requested Use application of Windsor Place, LLC, by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 52 units and to designate this application as the receiving area. General Location: Northwest corner of Hypoluxo Road and Lyons Road (**WINDSOR PLACE MXPDP**). (Control 2003-079)

N/A

Size: 40.0 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

4. **PDD2005-866** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of OK Ventures, LLC, by Jeff H. Irvani, Inc., Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 0.5 mile west of Haverhill Road at the terminus of Stacy Street (**HVERHILL ACRES PUD**). (Control 2005-103)

N/A

Size: 11.21 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

5. **PDD/W2004-658** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA PUD**). (Control 2004-456)

N/A

Size: 93.67 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

6. **PDD2004-660** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA MUPD**). (Control 2004-457)

N/A

Size: 17.99 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to Thursday, September 22, 2005 (Postponed by the Zoning Commission).

7. **PDD2004-664** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Centex Homes, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Multifamily Residential (RM) and the Neighborhood Commercial (CN) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Approximately 1,300 feet south of Okeechobee Boulevard on the west side of Drexel Road (**MEADOWBROOK PUD**). (Control 2004-452)

N/A

Size: 83.26 acres ±

BCC District: 2

MOTION: To postpone sixty (60) days to Thursday, October 27, 2005 (Postponed by the Zoning Commission).

– END OF POSTPONEMENTS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS

- 8. **PDD/R2005-476** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Extra Space of Lake Worth, LLC, by F. Martin Perry & Associates, P.A., Agent. Request: Rezoning from the Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving a Requested Use application of Extra Space of Lake Worth, LLC, by F. Martin Perry & Associates, P.A., Agent. Request: To allow a self-service storage facility. General Location: Approximately 1,500 feet south of Forest Hill Boulevard on the west side of Military Trail **(FOREST MILITARY SELF STORAGE)**. (Control 2000-102)

Pages 1-19

Size: 7.0 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving a Requested Use to allow a self-service storage facility.

- 9. **Z2005-471** Title: Resolution approving an Official Zoning Map Amendment application of Richard Smitz, by Jupiter by the Sea Realty, Inc., Agent. Request: Rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 368 feet north of Donald Ross Road on the east side of Paradise Point Road **(SMITZ REZONING)**. (Control 2005-191)

Pages 20-31

Size: 0.26 acres ±

BCC District: 1

Staff Recommendation: Approval.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Single Family Residential Zoning District to the Residential Transitional Zoning District.

10. **Z2005-474** Title: Resolution approving an Official Zoning Map Amendment application of Almoneda Enterprises, Inc., by Basehart Consulting, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District. General Location: Approximately 750 feet north of Melaleuca Lane on the west side of Haverhill Road (**MESA PROPERTY**). (Control 2003-097)

Pages 32-46

Size: 1.52 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, 7-0

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multifamily Residential Zoning District with a Conditional Overlay Zone.

11. **Z2005-156** Title: Resolution approving an Official Zoning Map Amendment application of George Yoeckritz, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District. General Location: Approximately 650 feet west of Benoist Farms Road on the south side of Okeechobee Boulevard (**BELLA VITA ESTATES**). (Control 2005-070)

Pages 47-66

Size: 8.96 acres ±

BCC District: 2

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 from the Agricultural Residential Zoning District to the Multifamily Residential Zoning District with a Conditional Overlay Zone.

C. STATUS REPORTS

12. **SR 1983-082A.5** Status Report for Resolutions R-95-860 and R-95-861 (Petition 1983-082A), the application of Lionel G. Astor. Property owner: Boca Academy, Inc. General Location: Approximately 0.2 mile north of Glades Road on the east side of Jog Road. Zoning District: Residential Transitional with a Development Order Amendment to reconfigure the site plan, add square footage, increase the number of children, and modify conditions of approval for an existing day care (**ADDISON ACADEMY DAY CARE**).

Pages 67-71

Size: 3.5 acres ±

BCC District: 5

MOTION: To approve a time extension until June 22, 2007, for Resolutions R-95-860 and R-95-861.

13. **SR 1987-024I.3** Status Report for Resolutions R-1999-2251 and R-2001-0812 (Petitions 1987-024H and 1987-024I), the applications of Robert J. Amsdell, TR. Property owners: YSI LLC and Devco Associates, Inc. General Location: Approximately 0.25 mile west of Jog Road on the south side of Lantana Road. Zoning District: General Commercial with a Special Exception to allow a Planned Commercial Development. Additional Development Orders: Development Order Amendment to modify/delete conditions of approval and reconfigure the site plan, and a Development Order Amendment to modify conditions of approval, add square footage and reconfigure the site plan (**LANTANA ROAD PCD**).

Pages 72-77

Size: 18.28 acres ±

BCC District: 3

MOTION: To approve a time extension until June 10, 2007, for Resolutions R-1999-2251 and R-2001-0812.

14. **SR 1993-039A.4** Status Report for Resolutions R-97-2072 and R-97-2073 (Petition 1993-039A) and Resolutions R-2005-157 and R-2005-158 (Petition 1993-039B), the application of Security Capital Atlantic, Inc. and Arch Stone Smith. Property owners: API Cameron Park LLC and Security Capital Atlantic, Inc. General Location: Approximately 0.54 mile west of Military Trail on the south side of Atlantic Avenue. Zoning District: Residential Planned Unit Development (**CAMERON PARK PUD**).

Pages 78-83

Size: 40.55 acres ±

BCC District: 5

MOTION: To 1) approve a time extension until June 10, 2007, for Resolutions R-97-2072, R-97-2073, R-2005-157 and R-2005-158, and 2) revoke concurrency reservation number 97-5000403 (120 multi-family dwelling units).

D. RECEIVE AND FILE RESOLUTION

15. **CB2005-287** Resolution approving a Class B Conditional Use to allow a chipping and mulching facility (**THE WHITESIDE GROUP** aka **WEITZ SPARLING**). (Control 1998-062)

Pages 84-89

MOTION: To receive and file Zoning Resolution ZR-2005-003.

E. ABANDONMENT RESOLUTION

16. [ABN2005-1176](#) Request: To abandon the Requested Use granted by Resolution R-1996-0820 to allow a cocktail lounge within 250 feet of a residential district and to delete Condition A.5. (**DECKERS BAR & GRILL**). (Control 1973-091)

Pages 90-93

BCC District: 2

MOTION: To adopt a resolution approving the abandonment of the Requested Use to allow a cocktail lounge within 250 feet of a residential district granted by Resolution R-1996-0820 and the deletion of Condition A.5.

F. CORRECTIVE RESOLUTIONS

17. [Corrective Resolution](#): To correct the control number contained within R-2005-1046 (**NICOLA PUD**). (Control 1979-144)

Page 94

MOTION: To adopt a resolution to correct the control number contained within R-2005-1046.

18. [Corrective Resolution](#): To adopt a resolution to correct the legal description of R-2005-0390 and R-2005-0391 (**ASCOT DEVELOPMENT**). (Control 2004-369)

Pages 95-102

MOTION: To adopt a resolution to correct the legal description of R-2005-0390 and R-2005-0391.

G. ADMINISTRATIVE INQUIRY

19. [AI-2005-02 – Petition 1993-093B](#) – Cameron Park PUD Civic Site Cash Out

Pages 103-107

H. TDR ESCROW AGREEMENT

20. [PDD/R/TDR 2004-001](#) Execution of an Escrow Agreement. Request: Approve an escrow agreement between Palm Beach County, Briella Townhomes and Leopold, Korn & Leopold, PA (escrow agent), for the sale and purchase of 77 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit, as approved by the Palm Beach County Board of County Commissioners on October 28, 2004 (**BRIELLA PUD**). (Control 2004-001)

Pages 108-111

MOTION: To approve an escrow agreement for 77 development rights at a purchase price of \$15,837.00 per unit for a total price of \$1,219,449.00.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED STATUS REPORTS

21. **SR 1975-069G** Status Report for Resolution R-2001-0430 (Petition 1975-069G), the application of Wal-Mart Stores, Inc. Property owner: Herrick Holdings, LTD. General Location: Southeast corner of Seacrest Boulevard and Hypoluxo Road. Zoning District: General Commercial with a Special Exception to allow a Large Scale Planned Community Commercial and Shopping Complex including a motel, gasoline station and financial institution. Additional Development Order: Development Order Amendment to reconfigure the site plan and add square footage (**SAM'S WHOLESALE CLUB**).

Pages 112-117

Size: 2.76 acres ±

BCC District: 7

MOTION: To 1) adopt a resolution approving a Development Order Amendment to amend conditions of approval (architectural) in Resolution R-2001-0430, and 2) approve a time extension until March 22, 2007, for Resolutions R-1975-0463 and R-2001-0430.

22. **SR 1989-095B** Status report for Resolution R-2002-0831 (Petition 1989-095B), the application of Joseph Basil and Joel Julien. Property owners: Joseph Basil and Joel Julien. General Location: Southwest corner of Haverhill Road and Horseshoe Circle North. Zoning District: Single Family Residential with a Class A Conditional Use to allow a church or place of worship (**EBEN-EZER BAPTIST CHURCH**).

Pages 118-123

Size: 1.98 acres ±

BCC District: 7

MOTION: To adopt a resolution revoking Resolution R-2002-0831, a Class A Conditional Use to allow a church or place of worship.

23. **SR 1992-047.3** Status Report for Resolution R-93-646 (Petition 1992-047), the application of Ropico, Inc. Property owner: National Museum of Polo & Hall of Fame, Inc. General Location: Northwest corner of Lake Worth Road and Lyons Road. Zoning District: Agricultural Residential with a Class A Conditional Use to allow an assembly, non-profit (**POLO MUSEUM**).

Pages 124-129

Size: 9.79 acres ±

BCC District: 6

MOTION: To approve a time extension until May 27, 2007, for Resolution R-93-646.

24. **SR 1993-019.5** Status Report for Resolution R-93-1025 (Petition 1993-019), the application of Serge Jerome. Property owner: Lake Worth Haitian Church of God. General Location: Approximately one block west of Congress Avenue on the south side of Melaleuca Lane. Zoning District: Multifamily Residential with a Class A Conditional Use to allow a church or place of worship with accessory day care (30 children) (**HAITIAN CHURCH OF GOD**).

Pages 130-135

Size: 1.49 acres ±

BCC District: 3

MOTION: To 1) adopt a resolution approving a Development Order Amendment to amend conditions of approval (TPS) in Resolution R-93-1025, and 2) approve a time extension until May 12, 2007, for Resolution R-93-1025.

C. STATUS REPORTS

25. **SR 1987-152C.5** Status Report for Resolution R-94-778 (Petition 1987-152C), the application of Southern Self Storage. Property owner: Public Storage, Inc. General Location: Approximately 0.4 mile south of Hypoluxo Road on the east side of Military Trail. Zoning District: General Commercial with a Special Exception for a Planned Commercial Development. Additional Development Order: Development Order Amendment to amend the master plan and allow self storage (**SOUTHERN SELF STORAGE**).

Pages 136-141

Size: 8.6 acres ±

BCC District: 3

MOTION: To approve a time extension until June 10, 2007, for Resolution R-94-778.

26. **SR 1988-065.11** Status Report for Resolutions R-89-1069 and R-89-1070 (Petition 1988-065), the application of Howard Dardashti. Property owner: Howard Dardashti, Tr. General Location: Approximately 0.1 mile south of Lake Worth Road on the west side of Congress Avenue. Zoning District: General Commercial with a Special Exception to permit a Planned Commercial Development (**DARDASHTI PCD**).

Pages 142-145

Size: 0.96 acre ±

BCC District: 3

MOTION: To approve a time extension until June 6, 2007, for Resolutions R-89-1069 and R-89-1070.

27. **SR1992-029.2** Status Report for Resolutions R-93-557 and R-93-558 (Petition 1992-029), the application of Gary Smiegel. Property owner: Debuys Property Investment Group Ltd. General Location: Approximately 3.0 miles west of State Road 7/U.S. 441 on the south side of Lox Road. Zoning District: Special Agricultural with a Class A Conditional Use to allow an Excavation, Type III (**DELK EXCAVATION**).

Pages 146-151

Size: 387.98 acres ±

BCC District: 5

MOTION: To approve a time extension until June 9, 2007, for Resolutions R-93-557 and R-93-558.

28. **SR 1996-026.6** Status Report for Resolution R-96-816 (Petition 1996-026), the application of Roger Dean. Property owner: RD Family Ltd. Partnership. General Location: Approximately 0.25 mile east of Congress Avenue on the south side of Okeechobee Boulevard. Zoning District: General Commercial with a Class A Conditional Use to allow a fast food restaurant (**BAGELS TO GO**).

Pages 152-157

Size: 0.52 acres ±

BCC District: 2

MOTION: To approve a time extension until June 24, 2007, for Resolution R-96-816.

29. **SR 1997-032.4** Status Report for Resolution R-97-2076 (Petition 1997-032), the application of Expert Auto Transport, Inc. Property owner: AT & T Corporation. General Location: Approximately 0.3 mile south of Glades Road on the west side of Boca Rio Road. Zoning District: Light Industrial with a Conditional Overlay Zone (**EXPERT AUTO TRANSPORT, INC.**).

Pages 158-163

Size: 3.03 acres ±

BCC District: 5

MOTION: To approve a time extension until June 10, 2007, for Resolution R-97-2076.

30. **SR 1998-063.2** Status Report for Resolutions R-1999-0697 and R-1999-0669 (Petition 1998-063), the application of St. Nicholas Melkite Mission. Property owner: Diocese of Newton for Melkites in United States of America, Inc. General Location: Approximately 1,300 feet east of El Clair Ranch Road on the north side of Lake Ida Road. Zoning District: Multifamily Residential with a Class A Conditional Use to allow a church or place of worship, general daycare, and Type 3 congregate living facility (**ST. NICHOLAS MELKITE MISSION**).

Pages 164-169

Size: 4.55 acres ±

BCC District: 5

MOTION: To approve a time extension until April 22, 2007, for Resolutions R-1999-0697 and R-1999-0669.

D. CONTINUATION OF ROUND 05-1 LAND USE PLAN AMENDMENTS

The following item was provided under separate cover at the back of the binder supplied for the Round 05-1 Adoption Hearing.

31. **LGA 2005-00013** Windsor Place, LLC. Round 05-1 Land Use Amendment (LGA): Amend Ordinance 2000-023 by reducing acreage and square footage for Commercial High (CH) & Commercial High-Office (CH-O) and increase acreage for residential. General Location: Northwest corner of Hypoluxo Road and Lyons Road (**WINDSOR PLACE II** a.k.a. **WINDSOR PLACE MXP**).

Size: 40.00 acres ±

BCC District: 3

Staff Recommendation: Approval with a modification, subject to conditions.

LPA Recommendation: Approval of the applicant's request, subject to conditions (11-0 vote).

BCC Transmittal Action: Motion to transmit the amendment, subject to conditions (5-0 vote).

MOTION: To adopt an ordinance approving the requested modification to Ordinance 2000-023, subject to conditions.

E. CONTINUATION OF ROUND 05-1 LAND USE PLAN AMENDMENTS AND ZONING PETITIONS

The following item was provided under separate cover at the back of the binder supplied for the Round 05-1 Adoption Hearing.

32. **LGA 2005-00004** Boynton Beach Associates X, LLLP & Boynton Beach Associates XVIII, LLLP. Round 05-1 Land Use Amendment (LGA): Amend land use from Agricultural Reserve (AGR) to Commercial Low, with an underlying Agricultural Reserve (CL/AGR). General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road (**BOYNTON BEACH/LYONS SOUTH-TMD a.k.a. CANYONS TOWN CENTER**).

Size: 37.55 acres ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from AGR to CL/AGR, subject to a condition.

LPA Recommendation: Approval of the requested future land use change from AGR to CL/AGR, subject to a condition (11-0 vote).

BCC Transmittal Action: Motion to transmit the amendment, subject to a condition (5-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from AGR to CL/AGR, subject to a condition.

33. **TDD/R2004-1024** Title: Resolution approving an Official Zoning Map Amendment to a Traditional Development District application of Boynton Beach Associates X, LLLP, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Traditional Marketplace Development (TMD) District. Title: Resolution approving a Requested Use application of Boynton Beach Associates X, LLLP, by Kilday & Associates, Inc., Agent. Request: To allow a general daycare and a single tenant exceeding 25,000 square feet. General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road (**CANYONS TOWN CENTER TMD**). (Control 2004-471)

Pages 170-200

Size: 93.87 acres ±

BCC District: 5

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 from the Agricultural Reserve Zoning District to the Traditional Marketplace Development District.

MOTION: To adopt a resolution approving a Requested Use to allow a general daycare and a single tenant exceeding 25,000 square feet.

The following item was provided under separate cover at the back of the binder supplied for the Round 05-1 Adoption Hearing.

34. **LGA 2005-00006** Ascot Development, LLC. Round 05-1 Land Use Amendment (LGA): Amend land use from Agricultural Reserve (AGR) & Special Agriculture (SA) to Commercial Low, with an underlying Agricultural Reserve (CL/AGR). General Location: Northwest corner of West Atlantic Avenue and Lyons Road (**ATLANTIC AVENUE/LYONS ROAD-TMD** a.k.a. **DELRAY MARKETPLACE**).

Size: 32.46 acres ±

BCC District: 5

Staff Recommendation: Denial of the requested future land use change from AGR & SA to CL/AGR.

LPA Recommendation: Approval of the requested future land use change from AGR & SA to CL/AGR (7-3 vote).

BCC Transmittal Action: Motion to transmit the amendment, subject to a condition (5-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from AGR & SA to CL/AGR, subject to a condition.

35. **TDD/R/W2004-1029** Title: Resolution approving an Official Zoning Map Amendment to a Traditional Development District application of Ascot Development, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) and the General Commercial (CG) Zoning Districts to the Traditional Marketplace Development (TMD) District. Title: Resolution approving a Requested Use application of Ascot Development, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To allow indoor entertainment and 4 single tenants exceeding 25,000 square feet. Title: Waiver. Request: To allow deviation from the requirement that a main street cross through the entire length or width of a TMD. General Location: Northwest corner of West Atlantic Avenue and Lyons Road (**DELRAY MARKETPLACE TMD**). (Control 2004-616)

Pages 201-248

Size: 87.90 acres ±

BCC Districts: 3 & 5

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 from the Agricultural Reserve and the General Commercial Zoning Districts to the Traditional Marketplace Development District.

MOTION: To adopt a resolution approving a Requested Use to allow indoor entertainment and 4 single tenants exceeding 25,000 square feet.

MOTION: To adopt a resolution approving a Waiver to allow deviation from the requirement that a main street cross through the entire length or width of a TMD.

F. PREVIOUSLY POSTPONED ZONING PETITION

- 36. **Z2004-496** Title: Resolution approving an Official Zoning Map Amendment application of Seminole Improvement District, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 0.8 mile east of Seminole Pratt Whitney Road and approximately 0.6 mile north of Persimmon Boulevard (**SEMINOLE IMPROVEMENT DISTRICT**). (Control 2004-348)

Pages 249-283

Size: 40 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying the abandonment of a Class A Conditional Use to allow a water and wastewater treatment plant granted by Resolutions R-96-998 and R-96-1190.

MOTION: To adopt a resolution denying an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Public Ownership Zoning District.

G. **NOTICE OF PARTIAL RELEASE OF RESTRICTIVE COVENANT ON ANNEXATION AND LAND USE (PLANNING DIVISION/COUNTY ATTORNEY)**

- 37. Palm Beach Aggregates: Release a portion of restrictive covenant that is subject to a preexisting option with FP&L. This covenant was recorded in December 2004 as a condition in Comprehensive Plan Amendment Palm Beach Aggregates II (LGA 2004-0047) Ordinance No. 2004-066. General Location: North side of Southern Boulevard and 3.5 miles west of Seminole Pratt Whitney Road.

Pages 284-289

Size: 120 acres ±

BCC District: 6

Staff Recommendation: To release the portion of the restrictive covenant that is subject to a preexisting option agreement with FP&L.

MOTION: To release the portion of the restrictive covenant that is subject to a preexisting option agreement with FP&L.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

38. **ULDC AMENDMENTS – ROUND 2005-01**

Pages 290-325

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: TO AMEND **ARTICLE 1** – GENERAL PROVISIONS; CHAPTER E – PRIOR APPROVALS; CHAPTER G – EMINENT DOMAIN; CHAPTER I – DEFINITIONS AND ACRONYMS; **ARTICLE 2** – DEVELOPMENT REVIEW PROCEDURES; CHAPTER A – GENERAL; CHAPTER B – PUBLIC HEARING PROCEDURES; CHAPTER D – ADMINISTRATIVE PROCESSES; **ARTICLE 3** – OVERLAYS AND ZONING DISTRICTS; CHAPTER B – OVERLAYS; CHAPTER C – STANDARD DISTRICTS; CHAPTER D – PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F – TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE STANDARDS; CHAPTER D – EXCAVATION; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B – ACCESSORY AND TEMPORARY USES; CHAPTER C – DESIGN STANDARDS; CHAPTER E – PERFORMANCE STANDARDS; CHAPTER G – DENSITY BONUS PROGRAMS; **ARTICLE 6** - PARKING; CHAPTER A – PARKING; CHAPTER B – LOADING STANDARDS; **ARTICLE 7** - LANDSCAPING; CHAPTER H – ENFORCEMENT; **ARTICLE 8** - SIGNAGE; CHAPTER E – PROCEDURES FOR SIGNAGE; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

C. PLANNING DIRECTOR

39. RESOLUTION REVOKING A COUNTY HISTORIC PROPERTY TAX EXEMPTION (301 AUSTRALIAN AVENUE, PALM BEACH)

Item Summary: The resolution will authorize revoking the existing County historic property ad valorem tax exemption to the Brazilian Court Hotel and Condominium property located at 301 Australian Avenue, Palm Beach, and also remove the existing restrictive covenant for this historic property that required the qualifying improvements be maintained during the period that the tax exemption is granted. On April 1, 1997, the Board of County Commissioners approved a historic property tax exemption (R-97-505) and accompanying restrictive covenants for the property located at 301 Australian Avenue, Palm Beach. Following a review by the Town of Palm Beach's Landmarks Preservation Commission, the structure was considered to be not consistent with the Town's requirements. The Palm Beach Town Council revoked the Town's ad valorem tax exemption to this historic property on May 10, 2005. Without the Town tax exemption, there is no basis to continue the County tax exemption. District 1 (RB)

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MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, revoking an existing County historic property ad valorem tax exemption (R-97-505), for the year beginning January 1, 2005, for a property located at 301 Australian Avenue within the Town of Palm Beach.

6. COMMISSIONER COMMENTS

7. ADJOURNMENT