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

**JANUARY 29, 2004**

**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 1-2)**
  
- 3. CONSENT AGENDA (Pages 3-6)**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 7-10)**
  
- 5. DIRECTOR COMMENTS (Page 10)**
  
- 6. COMMISSIONER COMMENTS (Page 10)**
  
- 7. ADJOURNMENT (Page 10 )**

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

**THURSDAY, JANUARY 29, 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**

**A. POSTPONEMENTS**

- 1. **2003-0035 SCA** Alvin E. Brooks, by Miller Land Planning Consultants. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial High – Office (CH-O). General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**BROOKS OFFICE a.k.a. TURTLE COVE PROFESSIONAL**).

Page 1

Size: 2.02 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to February 26, 2004. (Petitioner requested 30 days).

- 2. **Z2003-040** Title: Resolution approving an Official Zoning Map Amendment petition of Alvin E. Brooks, by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial High Office (CHO) Zoning District. General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**TURTLE COVE PROFESSIONAL**).

Page 2

Size: 2.02 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to February 26, 2004. (Petitioner requested 30 days).

- 3. Receive and File Zoning Commission Resolution – **Turtle Cove Professional**

N/A

MOTION: To postpone thirty (30) days to February 26, 2004. (Staff postponement).

4. **PDD2003-033** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Communities Finance Co., by Gentile Mahoney Holloway & Assoc., Agent. Request: Rezoning from the Residential Single Family (RS) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: SWC of Donald Ross Rd. and Ellison Wilson Rd. (**PARCEL 32 PUD**).

Page 3

Size: 77.17 acres ±

BCC District: 1

MOTION: None required. (By right postponement to February 26, 2004.)

5. **SR 1997-101.3** Status Report for Resolution R-98-408 (Petition 1997-101), the petition of Polo Realty, Inc. Property owner: Polo Realty, Inc. General Location: Approx. 0.5 mile north of Clint Moore Rd. on the east side of Jog Rd. Current zoning: Residential Planned Unit Development (**OXLEY NORTHERN PUD**).

Pages 4-7

Size: 36.95 acres ±

BCC District: 5

MOTION: Postpone status report until March 25, 2004.

6. **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: Approx. 375 feet east of SR 7/US441 on the south side of Okeechobee Blvd. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 8-11

Size: 40 acres ±

BCC District: 6

MOTION: Postpone status report until March 25, 2004.

– END OF POSTPONEMENTS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS – CONSENT

- 7. **DOA1978-273B** Title: Resolution approving a Development Order Amendment petition of Pine Trail Square, LLC, by Land Design South, Agent. Request: To reconfigure site plan, add square footage and to allow a restaurant, fast food (requested use). General Location: SWC of Military Tr. and Okeechobee Blvd. (**PINE TRAIL SHOPPING CENTER**).

Pages 12-32

Size: 28 acres ±

Size: 1.0 acres ± (affected area)

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to reconfigure site plan, add square footage and to allow a restaurant, fast food.

- 8. **PDD1983-161D** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GSM of Palm Beach, LTD., Clyde & Catherine Moore, Patricia Nason, Herbert Gildan and Albert Godfrey, by Juran Consulting Inc, Agent. Request: Rezoning from the Residential Medium Density (RM) and General Commercial with a Special Exception (CG/SE) Zoning Districts to the Multiple Use Planned Development (MUPD) District with an existing vehicle sales and rental facility, auto paint and body shop and to add a general repair and maintenance facility (requested use). General Location: Approx. 250 ft. east of Indian Rd. and on the south side of Okeechobee Blvd. (**PALM BEACH MERCEDES BENZ a.k.a. GULFSTREAM MOTORS**).

Pages 33-67

Size: 12 acres ±

BCC District: 2

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 Residential Medium Density and General Commercial with a Special Exception Zoning Districts to the Multiple Use Planned Development District with an existing vehicle sales and rental facility, auto paint and body, and add a general repair and maintenance facility.

9. **W/DOA1982-056A** Title: Resolution approving a Tower Waiver petition of Beasley FM Acquisition Corp., by Kilday & Associates, Agent. Request: To allow for waivers from the setbacks for the north and south property lines. Title: Resolution approving a Development Order Amendment petition of Beasley FM Acquisition Corp., by Kilday & Associates, Agent. Request: To add a fourth commercial communications tower (guyed). General Location: Approx. 4.5 miles west of SR 7/US 441 on the south side of Loxahatchee Rd. (**BEASLEY BROADCASTING**).

Pages 68-84

Size: 27.5 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to allow for waivers from the setbacks for the north and south property lines.

MOTION: To adopt a resolution approving the request to add a fourth commercial communications tower.

**C. PREVIOUSLY POSTPONED STATUS REPORT - CONSENT**

10. **SR 1991-030.4** Status Report for Resolution R-91-1186 (Petition 1991-030), the petition of Central Baptist Church. Property owner: Central Baptist Church of Jupiter Florida, Inc. General Location: SWC of Loxahatchee River Rd. and Roebuck Rd. Current zoning: Residential Single Family with a Special Exception to allow a church/sanctuary and accessory buildings (**CENTRAL BAPTIST CHURCH**).

Pages 85-88

Size: 4.5 acres ±

BCC District: 1

MOTION: To approve a time extension until November 9, 2005, for Resolution R-91-1186.

**D. STATUS REPORTS – CONSENT**

11. **SR 1977-021E** Status Report for Resolution R-2000-0893 (Petition 1977-021E), the petition of Royal Palm Polo. Property owner: Polo Realty, Inc. General Location: NEC of Jog Rd. and Old Clint Moore Rd. Current zoning: Multiple Use Planned Development with an existing arena or stadium (**ROYAL PALM POLO**).

Pages 89-92

Size: 121.85 acres ±

BCC District: 5

MOTION: To 1) approve a time extension until June 29, 2005, for Resolution 2000-0893, and 2) revoke concurrency reservation number 93-03-17-001-C.

12. **SR 1987-124A.7** Status Report for Resolution R-91-371 (Petition 1987-124(A)), the petition of Systems Control, Inc. Property owner: CMCC Ventures LTD and United States Postal Service. General Location: Approx. 170 feet south of Summit Blvd. on the west side of Congress Ave. Current zoning: Planned Commercial Development including a financial institution with three (3) drive up teller windows, and an auto service station with an accessory car wash facility (**SUMMIT PARK OF COMMERCE PCD**).

Pages 93-96

Size: 3.30 of 8.74 acres ±

BCC District: 2

MOTION: To approve a time extension until October 10, 2005, for Resolution R-91-371.

13. **SR 1988-116.9** Status Report for Resolutions R-89-1048 and R-89-1049 (Petition 1988-116), the petition of Electrical Association, Inc. Property owner: Jarrett Trucking, Inc. General Location: Approx. 330 feet east of Johnson Lane on the north side of Fairgrounds Rd. Current zoning: Light Industrial with a Special Exception to permit a Planned Industrial Development.

Pages 97-100

Size: 4.77 acres ±?

BCC District: 6

MOTION: To: 1) adopt a resolution to revoke Resolution Numbers 89-1049 and 2002-0137, and 2) exempt Resolution Number 89-1048 from further Unified Land Development Code (Monitoring Section) review.

14. **SR 1995-106.2** Status Report for Resolution R-96-1355 (Petition 1995-106), the petition of Callery-Judge Groves. Property owner: FWI 20 LLC. General Location: NEC of Seminole Pratt Whitney Rd. and Persimmon St. Current zoning: Multiple Use Planned Development (**THE GROVE MARKET**).

Pages 101-104

Size: 9.98 acres ±

BCC District: 6

MOTION: To approve a time extension until December 10, 2005, for Resolution R-96-1355.

15. **CR 1992-048B/E5.3** Status Report for Resolution R2000-1704 (Petition 1992-048(B)), the petition of Muslim Community of Palm Beach County, Inc. Property owner: Muslim Community of Palm Beach County, Inc. General Location: Approx. 300 feet east of Haverhill Rd. on the north side of Purdy Ln. Current zoning: Residential Single Family with a Class A Conditional Use to allow a church or place of worship (**MUSLIM COMMUNITY**).

Pages 105-108

Size: 1.4 acres ±

BCC District: 2

MOTION: To direct Code Enforcement to cite property owner for failure to comply with condition number E.5 of Resolution R-2000-1704

16. **CR 1999-090/E2.3** Status Report for Resolution R-2000-0572 (Petition 1999-090), the petition of Edgar Adamson, Jr. & Hixie Stephens. Property owner: Congress Shopping Center, LTD. General Location: East side of Congress Ave. on the south of Okeechobee Blvd. Current zoning: General Commercial with a Class A Conditional Use to allow a self-service storage facility (**E & H SELF STORAGE**).

Pages 109-112

Size: 1.46 acres ±

BCC District: 2

MOTION: To approve a time extension until December 1, 2004, to comply with condition number E.2. of Resolution R-2000-0572.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

**E. TDR CONTRACT, ESCROW AGREEMENT AND DEED**

17. **DRC 2000-058A** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and TLHC-2 Inc. for the sale and purchase of 4 Transfer of Development Right (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, Zoning Division, Development Review Committee. Request: Approve an escrow agreement between Palm Beach County, TLHC-2, Inc. and Amy Wilson, (escrow agent) for the sale and purchase of 4 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, Zoning Division, Development Review Committee. (**10 ACRE DILLMAN**)

Pages 113-120

BCC District: 6

MOTION: To approve a contract for the sale and purchase of 4 development rights at a purchase price of \$15,837.00 per unit for a total price of \$63,348.00.

MOTION: To approve an escrow agreement for 4 development rights at a purchase price of \$15,837.00 per unit for a total price of \$63,348.00.

18. **DRC 2000-058A** Execute a deed conveying 4 Development Rights units to TLHC-2, Inc. as authorized by Palm Beach County, Zoning Division, Development Review Committee which approved the purchase of 4 Development Rights from the County's TDR Bank at a cost of \$15,837.00 per unit and the designation of the 10 Acre Dillman as a TDR Receiving Area for those units. (**10 ACRE DILLMAN**)

Pages 121-122

BCC District: 6

MOTION: To execute a deed conveying 4 Development Right units to TLHC-2, Inc., as authorized by Palm Beach County, Zoning Division, Development Review Committee.

**– END OF CONSENT AGENDA –**

**– START OF REGULAR AGENDA –**

**4. REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. STATUS REPORT**

19. **SR 1985-084C.3** Status Report for Resolution R-97-958 (Petition 1985-084C), the petition of Berean Baptist Church of West Palm Beach. Property owner: Berean Baptist Temple 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 (**BEREAN BAPTIST TEMPLE**).

Pages 123-126

Size: 18.79 acres ±

BCC District: 6

MOTION: To 1) approve a time extension until August 10, 2005, for Resolution 97-958, and 2) revoke concurrency reservation number 93-1222001 for 109,335 sq. ft.

**C. PREVIOUSLY POSTPONED SMALL SCALE LAND USE PLAN AMENDMENTS AND ZONING PETITIONS**

20. **2003-0005 SCA** Aurora Investment IV, Inc, by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Commercial Low, with an underlying 12 units per acre (CL/12), with conditions to Commercial High, with an underlying 12 units per acre (CH/12), with revised conditions. General Location: SWC of Forest Hill Blvd. and Haverhill Rd. (**ABBEY PARK III a.k.a. ABBEY PARK MUPD**).

Pages 127-159

Size: 9.88 acres ±

BCC District: 2

Staff Recommendation: Denial of the applicant's request for a future land use change from CL/12 with conditions to CH/12 with revised conditions.

LPA Recommendation: Approval of an alternative land use change from CL/12 to CL on 3.83 acres of the site fronting Forest Hill Boulevard and CH on the remaining 6.05 acres, (9-0 vote).

MOTION: To deny the request for a future land use change from CL/12 with conditions to CH/12 with revised conditions.

21. **DOA1996-087B** Title: Resolution approving a Development Order Amendment petition of Aurora Investments IV, Inc., by Land Design South, Agent. Request: To reconfigure site plan, add square footage and modify/delete conditions of approval. General Location: SWC of Forest Hill Blvd. and Haverhill Rd. (**ABBAY PARK MUPD**).

Pages 160-195

Size: 9.88 acres ±

BCC District: 2

Staff Recommendation: Denial.

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

MOTION: To deny the request to reconfigure site plan, add square footage and modify/delete conditions of approval.

**D. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION**

22. **2003-0034 SCA** Homeland Plaza, LLC and Tuttle Land Holding Corp., by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) on 9.26 acres to Commercial Low - Office (CL-O). General Location: SWC of SR 7/US 441 and Windsor Lakes Blvd./50<sup>th</sup> St. S. (**SOUTH ROAD OFFICE II a.k.a. SOUTH ROAD OFFICE MUPD**)

Pages 196-221

Size: 9.26 acres ±

BCC District: 3

Staff Recommendation: Denial of the applicant's request for a future land use change from LR-2 to CL-O.

LPA Recommendation: Approval of the applicant's request for a future land use change from LR-2 to CL-O, (7-3 vote).

MOTION: To deny the request for a future land use change from LR-2 to CL-O.

23. **PDD2003-036** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Homeland Plaza, LLC, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) District. General Location: SWC of SR 7/US 441 and Windsor Lakes Blvd./50<sup>th</sup> St. S. (**SOUTH ROAD OFFICE MUPD**).

Pages 222-244

Size: 9.26 acres ±

BCC District: 3

Staff Recommendation: Denial.

Zoning Commission Recommendation: Denied, 5-1.

MOTION: To deny the request for a rezoning from the Agricultural Residential and General Commercial Zoning Districts to the Multiple Use Planned Development District.

#### **E. PREVIOUSLY POSTPONED ZONING PETITIONS**

24. **PDD/TDR2003-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of E. B. Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and Residential Estate (RE) Zoning Districts to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of E. B. Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 39 units and to designate this petition as the receiving area. General Location: NWC of Lantana Rd. and Myers Rd. (**BELMONT AT GREENACRES PUD**).

Pages 245-279

Size: 22.29 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-1.

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

MOTION: To adopt a resolution approving the request for a Transfer of Development Rights for a maximum of 39 units and to designate this petition as the receiving area.

- 25. **PDD/TDR2003-013** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of E.B. Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of E.B. Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 36 units and to designate this petition as the receiving area. General Location: Approx. 1,200 feet north of Lantana Rd. on the east side of Haverhill Rd. **(BELMONT AT HAVERHILL PUD).**

Pages 280-321

Size: 24.86 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 a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving the request for the Transfer of Development Rights for 36 units and to designate this petition as the receiving area.

- 26. **DOA1996-004C** Title: Resolution approving a Development Order Amendment petition of Lake Worth Self-Storage Ltd. Partnership, by Gentile Mahoney Holloway & Assoc., Agent. Request: To reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval. General Location: Approx. 525 ft. west of the Florida's Turnpike on the north side of Lake Worth Rd. **(LAKE WORTH SELF STORAGE).**

Pages 322-354

Size: 17.28 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 to reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval.

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