



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

June 29, 1999

**TUESDAY
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. Motion to Adopt Agenda
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-3)

3. GRAND BANK APPEAL (Page 4)

4. CONSENT AGENDA (Pages 4-10)

- " Staff
- " Board
- " Public

5. REGULAR AGENDA (Pages 11-13)

6. DIRECTOR COMMENTS (Page 13)

7. COMMISSIONER COMMENTS (Page 13)

8. ADJOURNMENT (Page 13)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

TUESDAY, JUNE 29, 1999

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM**.
- 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 the recommendations of the Land Use Advisory Board 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 June 29, 1999, 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. Motion to Adopt Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

1. W/DOA

93-035(B) Resolutions approving a Waiver (W) and a Development Order Amendment (DOA) petition of Delray Palm View Inc., by Kilday & Associates, Agent. Request: Waivers for setback from west property line; setback from south property line; separation from residential structure and tower separation. Request: Convert 400 foot self-support tower to 300 foot guyed tower. General Location: Approx. 2,000 feet south of Boynton Beach Blvd. on the west side of Hagen Ranch Rd. (**BETHESDA HEALTH TOWER**).

Pages N/A

Size: 0.51 (affected) Acres ±
40.18 (total) Acres ±

BCC District: 5

MOTION: To postpone to July 1, 1999 Zoning Commission and July 22, 1999 Board of County Commissioners [Administratively postponed by staff]

MOTION: To approve all postponements to dates indicated.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. **GRAND BANK APPEAL**

- 2. **CB 90-003(B)** Class B Conditional Use (CB) petition of Grand Bank of Florida, by Sara Lockhart, Agent. Request: Financial institution. General Location: SW corner of Lantana Rd. and High Ridge Rd. (**GRAND BANK OF FLORIDA**).

Pages 1-60

Size: 1.19 Acres ±

BCC District: 3

Zoning Commission Recommendation: Denial (7-0).

MOTION: To adopt a resolution upholding or overturning the decision of the Zoning Commission denying a Class B Conditional Use (CB) to allow a financial institution.

4. **CONSENT AGENDA**

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

B. **WARRANT LIST** - Administrative matter not subject to public comment.

Warrant List

Page N/A

MOTION: To approve the warrant list.

C. **ADOPTION OF RESOLUTIONS** - Zoning petition and status report approved on May 27, 1999, with amended conditions. Administrative matter not subject to public comment.

NOTE: Adoption is mandatory based on prior action by the Board of County Commissioners unless a Board member wishes to clarify an amended condition. Public hearing requirements have been satisfied, therefore, adoption of the resolutions is not subject to public comment.

- 3. **PDD98-079** Official Zoning Map Amendment (Z) to a Planned Development District (PDD) petition of Retlaw 100 LL, by Joe Lelonek, Agent. (**PALMETTO PARK ROAD MUPD**).

Pages 61-77

MOTION: To adopt a resolution affirming zoning action on May 27, 1999.

- 4. **CR 87-112H.6** Status Report for Resolution R-99-88 petition of James O' Brien, Trustee. (**WINSTON TRAILS PUD**)

Pages 78-82

MOTION: To adopt a resolution affirming the amendment of conditions of approval in Resolution R-99-88 on May 27, 1999.

D. **REMAND**

5. **PDD
77-021(E)** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Royal Palm Polo, by Robert Bentz, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a day care center, general; fitness center and arena/stadium (existing) (requested uses). General Location: NE corner Jog Rd. and Old Clint Moore Rd. (**ROYAL PALM POLO**).

Page 83

Size: 121.85 Acres ±

BCC District: 5

MOTION: None required. Remanded back to July 28, 1999 DRC meeting. [Requested by petitioner]

E. ZONING PETITIONS - CONSENT

6. **EAC
97-087(A)** Development Order Amendment /Expedited Application Consideration (EAC) petition of David Palmer, by William Locker, Agent. Request: Delete Condition E.2 of Resolution R-98-561 (paving). General Location: Approx. 200 feet west of Tall Pines Rd. on the south side of Wallis Rd. (**PALMER PROPERTY**).

Pages 84-96

Size: 1.0 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to delete Voluntary Commitment E.2 of Resolution R-98-561.

7. **Z/CA
98-080** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petition of Steven Greenfield, Trustee, by Bradley Miller, Agent. Request: Rezone from Agricultural Residential (AR) to Special Agricultural (SA). Request: Chipping & mulching, potting soil manufacturing. Request: Composting . General Location: Approx. 6 miles west of SR 7/US 441 on the south side of Lox Rd. (**LOX ROAD VEGETATION RECYCLING & NURSERY**).

Pages 97-110

Size: 19.2 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 an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Special Agricultural (SA).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow chipping and mulching and potting soil manufacturing use.

8. **EAC
97-102(A)** Development Order Amendment /Expedited Application Consideration

(EAC) petition of Fawaz & Asthma Shihadeh, by Kilday & Associates, Agent. Request: Modify Conditions F.1.b and F.2 in Resolution R-98-1126 (landscaping). General Location: NW corner Boynton Beach Blvd. and SR 7/US441 (**4 POINTS MARKET**).

Pages 111-129

Size: 2.5 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to modify Conditions F.1.b and F.2 in Resolution R-98-1126.

9. **EAC
82-118(C)**

Development Order Amendment /Expedited Application Consideration (EAC) petition of HNK Assoc., HIN, Ltd, by Kilday & Associates, Agent. Request: Church or place of worship (requested use). General Location: Approx. 800 feet west of Military Trail on the south side of Forest Hill Blvd (**FOREST HILL PLAZA**).

Pages 130-148

Size: 9.1 Acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to allow a Church or place of worship.

10. **DOA
89-110(B)**

Development Order Amendment (DOA) petition of Auto Care Center of Hypoluxo, Inc., by Robert Basehart, Agent. Request: Modify condition M.4 (signage) and delete condition H.2 (right-of-way buffer) in R-96-1185. General Location: Approx. 0.1 mile west of Military Trail on the north side of Hypoluxo Rd. (**HYPOLUXO AUTO CARE CENTER**).

Pages 149-166

Size: 0.85 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 Development Order Amendment (DOA) to modify condition M.4 and delete condition H.2 in R-96-1185.

11. **PDD
85-095(E)**

Official Zoning Map Amendment to a Planned Development District (PDD) petition of Bernstein-Glades Assoc. and Lois Realty Corp. , by Chuck Millar, Agent. Request: Rezone from General Commercial (CG) and Special Commercial/Special Exception (CS/SE) to Multiple Use Planned Development (MUPD). General Location: Approx. 1,000 feet west of Lyons Rd. on the north side of Glades Rd. (**BERNSTEIN MUPD (aka ROOMS TO GO)**).

Pages 167-185

Size: 6.14 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 an Official Zoning Map Amendment (PDD) rezoning from General Commercial (CG) and Special Commercial/Special Exception (CS/SE) to Multiple Use Planned Development (MUPD).

- 12. **DOA 82-040(B)** Development Order Amendment (DOA) petition of Melrose Park Joint Venture and Melrose Palm Beach Ltd., by Robert Bentz, Agent. Request: Add units, redesignate housing classification (detached to attached) and reconfigure preliminary development plan. General Location: Approx. 1 mile south of Hypoluxo Rd. between SR 7/US 441 and Florida Turnpike (**MELROSE PUD**).

Pages 186-234

Size: 19.15 (affected) Acres ±
612.24 (total) Acres ±

BCC District: 3

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 (DOA) to add units, redesignate housing classification and reconfigure the preliminary development plan.

F. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

- 13. **CB99-001** Class B Conditional Use (CB) petition of Kevin and Susan Clubb, Agent. (**CLUBB BIRD CLINIC**).

Pages 235-241

MOTION: To receive and file Zoning Resolution ZR-99-03.

- 14. **CB98-080** Class B Conditional Use (CB) petition of Steven Greenfield, Trustee, by Bradley Miller, Agent. (**LOX ROAD VEGETATION RECYCLING & NURSERY**)

Pages 242-249

MOTION: To receive and file Zoning Resolution ZR-99-04.

- 15. **CB 90-003(B)** Class B Conditional Use (CB) petition of Grand Bank of Florida, by Sarah Lockhart, Agent. (**GRAND BANK OF FLORIDA**)

Pages 250-253

MOTION: To receive and file Zoning Resolution ZR-99-05.

G. STATUS REPORTS - CONSENT

- 16. **SR 95-21** Status Report for Resolutions R-96-129 and R-96-130 (Petition 95-21). Property owner: Bruce C. Pearson. Location: east side of Hagen Ranch Road, approximately 1.5 mile south of Boynton Beach Blvd. Current zoning: RTS-Residential Transitional Suburban with Class A Conditional use for a retail/wholesale nursery.

Pages 254-261

Size: 7.3 Acres

BCC District:5

Original Petitioner: Levitt Homes

MOTION: Approve a time extension until January 25, 2001, for Resolutions R-96-129 and R-96-130.

17. **SR 76-170D.5**

Status Report for Resolution R-90-1295 (Petition 76-170D). Property owner: CanPro Investments Ltd. Location: south side of Town Center Road, bounded on the east by Military Trail. Current zoning: CS-Specialized Commercial with a Special Exception for a Planned Office Business Park to including a financial institution, and three (3) drive up teller windows.

Pages 262-265

Size: 4.4 Acres

BCC District:4

Original Petitioner: Plaza at Town Centre Joint Venture

MOTION: Approve a time extension until May 7, 2001, for Resolution R-90-1295

18. **SR 79-134A.5**

Status Report for Resolutions R-90-1430 and R-90-1431 (Petition 79-134A). Property owner: Florida Childcare Properties I LC. Location: south side of 229th Place, bound on the south by 230th Street South, approximately 0.3 of a mile west of U.S. #441. Current zoning: RM-Multiple Family (Medium Density) Residential with a Special Exception for a day care center.

Pages 266-273

Size: 1.0 Acre

BCC District:4

Original Petitioner: Florida Childcare Properties, I, L.C.

MOTION: Adopt a resolution to approve a Development Order Amendment to revoke the part of the Special Exception which increased the capacity of the day care center to a maximum of 134 children, amend conditions of approval (consolidate) in Resolution R-90-1431.

19. **SR 87-32B.5**

Status Report for Resolution(s) R-91-244 and 91-245 (Petition 87-32B). Property owner: Hippocrates Health Institute of Florida Inc. Location: west side of Skees Road, bound on the north by the Lake Worth Drainage District Lateral Canal No. 2, approximately one-half mile north of Belvedere Road. Current zoning: RTS-Residential Transitional Suburban with a Special Exception for a Planned Unit Development to consist exclusively of a Congregate Living Facility - Type III (Beacon Pines).

Pages 274-277

Size: 9.87 Acres of 19.1 acre parcel.

BCC District:2

Original Petitioner: Jack E. Cook and Willie H. Day

MOTION: Approve a time extension until April 26, 2001, for Resolutions R-91-244 and R-91-245.

20. **SR 88-78.6**

Status Report for Resolution(s) R-89-722 and 89-723 (Petition 88-78). Property owner: La Petite Academy. Location: northeast corner of intersection of Lantana Road West and Cadillac Drive. Current zoning: RT-Residential Transitional with a Special Exception to permit a child day care center.

Pages 278-281

Size: 1.7 Acres

BCC District:3

Original Petitioner: Candace Robertson, Joseph F. Weiss Jr., and

Gregory Weiss

MOTION: Approve a time extension until April 25, 2001, for Resolutions R-89-722 and R-89-723.

- 21. **SR 89-96.7** Status report for Resolution 90-350 (Petition 89-96). Property owner: School Board of Palm Beach County. Location: southeast and northeast sides of intersection of Gun Club Road and Farmdale Road and bounded on the north by the Palm Beach Canal. Current zoning: IL-Light Industrial with a Special Exception to permit government services and accessory buildings and structures (Palm Beach County School Board warehouse and distribution center).

Pages 282-285

Size: 17.4 Acres

BCC District: 2

Original Petitioner: K.E.I. Palm Beach Centre, Ltd.

MOTION: Adopt a resolution to revoke the Special Exception which permits government services and accessory buildings and structures (Palm Beach County School Board warehouse and distribution center).

- 22. **SR 93-27.3** Status Report for Resolutions R-94-499 and R-94-500 (Petition 93-27). Property owner: Mount Nebo of the Palm Beaches, Inc. Location: northeast corner of the intersection of Dillman Road and State Road 7. Current zoning: RT-Residential Transitional with a Class A Conditional Use allowing a cemetery.

Pages 286-289

Size: 37.3 Acres

BCC District:6

Original Petitioner: Jeffrey M. Rosenberg, Jr.

MOTION: Approve a time extension until April 28, 2000, for Resolutions R-94-499 and 94-500, and from June 1, 1999, to April 28, 2000, to comply with condition number E.1. of Resolution R-94-500.

- 23. **SR 95-108** Status Report for Resolution R-96-541 (Petition 95-108). Property owner: Jade Land Company, Inc. Location: north side of Westgate Avenue, approximately 200 feet east of Loxahatchee Drive. Current zoning: CG-General Commercial with a Conditional Use A: Wholesale Building Supply.

Pages 290-292

Size: 0.88 Acres

BCC District:2

Original Petitioner: Jade Land Company

MOTION: Approve a time extension until April 25, 2001, for Resolution R-96-541

- 24. **SR 95-116** Status Report for Resolution R-96-649 (Petition 95-116). Property owner: Towne Park Joint Venture. Location: east side of State Road 7, between Lantana and Hypoluxo Roads. Current zoning: Planned Unit Development.

Pages 293-298

Size: 562.46 Acres

BCC District:3

Original Petitioner: Towne Park Joint Venture

MOTION: Approve a time extension until May 23, 2001, for Resolution R-96-649.

H. CORRECTIVE RESOLUTION

25. **PDD98-089** Corrective Resolution: To correct Exhibit C of Resolution R-99-707. (**CHS PROPERTIES MUPD**)

Pages 299-311

MOTION: To adopt a resolution to correct Exhibit C of Resolution R-99-707.

I. ABANDONMENT RESOLUTION

26. **SE88-92** Request: To revoke Resolution R-89-1150 approving a Special Exception to allow a Planned Development.

Page 312

MOTION: To adopt a resolution approving the Abandonment of Resolution R-89-1150.

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 -

5. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

27. 99-SCA

103 COM 1 The Miller Company, Inc., by Kieran Kilday, Kilday & Associates, Inc. Small Scale Land Use Amendment (SCA): Amend land use on 3.96 acres from Parks and Recreation (PARK) to Commercial Low, with an underlying 3 units per acre (CL/3). General Location: On the east side of Jog Road, approximately one mile south of Linton Boulevard. **(CASTER/ ADDISON PLACE 2)**

Pages 313-333

Size: 3.96 Acre ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from Parks and Recreation (PARK) to Commercial Low, with an underlying 3 units per acre (CL/3), subject to three conditions.

LPA Recommendation: Approval of the requested future land use change from Parks and Recreation (PARK) to Commercial Low, with an underlying 3 units per acre (CL/3), subject to four conditions.

MOTION: To Approve the request for a future land use change from Parks and Recreation (PARK) to Commercial Low, with an underlying 3 units per acre (CL/3), subject to three conditions, and adopt an ordinance affirming that action.

28. PDD99-021

Official Zoning Map Amendment to a Planned Development District (PDD) petition of The Miller Co., Inc., by Kieran Kilday, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD). General Location: Approx. 1 mile south of Linton Blvd. on the east side of Jog Rd. **(VIA ADDISON)**.

Pages 334-358

Size: 3.81 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 an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD).

D. ZONING PETITIONS

- 29. **CA99-015** Class A Conditional Use (CA) petition of Croquet Foundation of America, by Unruh, Smith & Assoc., Agent. Request: Assembly, nonprofit institutional. General Location: SE corner of Summit Blvd. and Florida Mango Rd. (**CROQUET FOUNDATION OF AMERICA**).

Pages 359-376

Size: 10.1 Acres ±

BCC District:2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a nonprofit institutional assembly facility.

- 30. **W99-007** Resolution approving a Waiver (W) petition of Nextel, by Leonard A. Tylka, Agent. Request: Waiver to exceed tower height for a single carrier. General Location: Approx. 800 feet east of "F" Rd., on the south side of 6th Ct. North (**WELLINGTON SITE FL-1569**)

Pages 377-390

Size: 15 Acres ±

BCC District: 6

Staff Recommendation: Denial

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution denying the request for a Waiver (W) to exceed tower height for a single carrier.

- 31. **DOA 89-127(C)** Development Order Amendment (DOA) petition of Irish Trading & Investments Inc./Motiva Enterprises / Flagler Realty & Development, by Kilday & Associates, Agent. Request: Reconfigure master plan, add building square footage, modify/delete Conditions in resolution R-91-364, and add second restaurant, fast food (requested use). General Location: SW corner of Okeechobee Blvd. and Jog Rd. (**WATERFORD CROSSING MUPD**).

Pages 391-411

Size: 7.5 Acres ±

BCC District:2

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 (DOA) to reconfigure master plan, add building square footage, modify/delete conditions in resolution R-91-364, and add a second fast food restaurant.

- 32. **DOA 76-139(B)** Development Order Amendment (DOA) petition of Lantana Realty Holdings, by Robert Basehart, Agent. Request: Delete land area. General Location: SE corner of Lantana Rd. and Lyons Rd. (**SHERBROOKE ESTATES PUD**).

Pages 412-427

Size: 2.5 (affected) Acres ±
534.99 (total) Acres ±

BCC District:3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to delete land area.

- 33. **PDD99-006** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Lantana Realty Holding Corp., by Robert Basehart, Agent. Request: Rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD). General Location: SE corner of Lantana Rd. and Lyons Rd. (**SHOPPES OF SHERBROOKE**).

Pages 428-452

Size: 10.91 Acres ±

BCC District:3

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 (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD).

6. DIRECTOR COMMENTS.

- A. **ZONING DIRECTOR.**
- B. **PLANNING DIRECTOR.**

- 34. San Castle Community Investment Grant

(under separate cover)

MOTION: Ratify the Chairperson’s signature: on the Community Investment Grant letter of interest for funding assistance in the amount of \$20,000.

MOTION: Approve: a County in-kind match of \$41,560.00 through the allocation of staff time and resources from the Planning, Zoning and Building Department (\$23,326.000), Palm Beach County Engineering (\$4,851.00), Palm Beach County Sheriff’s Office (\$4,461), and various other Departments (\$8,922.00) to assist in the development of a Community Oriented Street Design Plan in the San Castle Area for 247 working days during the period October 1, 1999 to September 30, 2000.

7. COMMISSION COMMENTS.

8. ADJOURNMENT.