



BOARD OF COUNTY COMMISSIONERS ZONING AGENDA

September 23, 1999

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 (Page 2)**

3. **CONSENT AGENDA (Pages 3-6)**
 - " Staff
 - " Board
 - " 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, SEPTEMBER 23, 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 September 23, 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

MOTION: To approve all postponements to dates indicated.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

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

Page N/A

MOTION: To approve the warrant list.

C. REMANDS

1. **PDD** Official Zoning Map Amendment to a Planned Development District
89-019(D) (PDD) petition of G. L. Homes of Florida, by Kilday & Associates, Agent. Request: Rezoning from Residential Single family (RS) to Residential Planned Unit Development (PUD). General Location: Approx 1,400 feet north of Sims Rd. on the east side of Hagen Ranch Rd. (**VALENCIA GRAND ISLES (AKA POLO TRACE PRD)**).

Page 1

Size: 233 acres ±

BCC District: 5

MOTION: None required. Remanded back to September 22, 1999 DRC meeting. [Requested by petitioner.]

D. PREVIOUSLY POSTPONED ZONING PETITIONS

2. **DOA**
78-005(F) Development Order Amendment (DOA) petition of Congregate Torah Ohr, Inc, by Bradley Miller, Agent. Request: Church or place of worship (requested use). General Location: Approx. 0.75 mile north of Glades Rd. on the east side of Lyons Rd. (**HAMPTONS AT BOCA RATON - CONGREGATE TORAH OHR**).

Pages 2-19

Size: 2.38 (affected) acres ±

BCC District: 5

19.85 (overall) acres ± (Recreation Pod)

Staff Recommendation: Approval, subject to conditions.

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

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

3. **Z74-122(A)** Official Zoning Map Amendment (Z) petition of Boca Raton Community United Methodist Church, by Steven Tate, Agent. Request: Rezoning from Residential Single Family (RS) to General Commercial (CG). General Location: Approx. 500 feet west of Lyons Rd. on the north side of Glades Rd. (**BOCA WEST COMMUNITY DAYCARE**).

Pages 20-35

Size: 4.2 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 Residential Single Family (RS) to General Commercial (CG).

E. ZONING PETITIONS - CONSENT

4. **CA99-037** Class A Conditional Use (CA) petition of Apostolic Church of Jesus Christ of Belle Glade, by Pastor J. E. Feld, Agent. Request: Church or place of worship; daycare, general. General Location: Approx. 400 feet east of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. (**LOXAHATCHEE CLC**).

Pages 36-49

Size: 4.93 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a church or place of worship and a general daycare.

F. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

5. **CB 93-009(A)** Class B Conditional Use (CB) petition of Young Israel of Boca Raton, Inc. (**YOUNG ISRAEL DAYCARE**)

Pages 50-57

MOTION: To receive and file Zoning Resolution ZR-99-08.

6. **CB 74-122(A)** Class B Conditional Use (CB) petition of Boca Raton Community United Methodist Church. (**BOCA WEST COMMUNITY DAYCARE**)

Pages 58-65

MOTION: To receive and file Zoning Resolution ZR-99-09.

7. **CB99-048** Class B Conditional Use (CB) petition of James Crystal Farms, Inc. (**SUN DANCE FARMS TOWERS**)

Pages 66-71

MOTION: To receive and file Zoning Resolution ZR-99-10.

8. **DOA 97-012(B)** Class B Conditional Use (CB) petition of PBC BCC Dept. of Airports. (**PBIA GOLF COURSE**)

Pages 72-87

MOTION: To receive and file Zoning Resolution ZR-99-11.

G. STATUS REPORTS - CONSENT

9. **SR 73-52.4** Status Report for Resolution R-73-397 (Petition 73-52). Property owners: Resort at Indian Spring Inc. and Indian Spring Golf & Tennis Country Club, Inc. Location: 1/8 of a mile west of Military Trail on the south side of Woolbright Rd. Current zoning: RS-Single Family Residential with a Special Exception for a Planned Unit Development (Indian Spring).

Pages 88-91

Size: 796.5 acres

BCC District:5

Original Petitioner: Epic Corporation

MOTION: Approve a time extension until January 23, 2000, for Resolution R-73-397.

10. **SR 80-89C.2**

Status Report for Resolution R-94-940 (Petition 80-89C). Property owner: Sentinel Real Estate Fund. Location: southwest corner of the intersection of Lantana Rd. and Jog Rd. Current zoning: CG-General Commercial with a Special Exception to allow requested use allowing a restaurant, fast food.

Pages 92-95

Size: 17.4 acres BCC District:3

Original Petitioner: Checkers Drive In Restaurants, Inc.

MOTION: Approve a time extension until July 28, 2000, for Resolution R-94-940.

11. **SR 85-91A.7**

Status Report for Resolution R-89-1438 (Petition 85-91A). Property owner: WPB Innkeepers. Location: north side of Okeechobee Blvd., approximately 220 feet west of West Drive. Current zoning: CG-General Commercial with a Special Exception to amend the site plan for a motel to 1) increase the square footage and 2) decrease the land area (petition # 85-91).

Pages 96-99

Size: 2.99 acres BCC District:6

Original Petitioner: Okeechobee Motel Joint Venture

MOTION: Adopt a resolution to approve a development order amendment to revoke the part of the special exception approved by Resolution R-89-1438 which permitted the amendment of the site plan for a motel to increase the square footage.

12. **SR 85-132.11**

Status Report for Resolutions R-86-228 and R-86-229 (Petition 85-132). Property owner: Jonathan R Kaplan, Successor, Tr. Location: south side of Lake Worth Rd., approximately 850 feet west of Congress Ave. Current zoning: CG-General Commercial with a Special Exception to allow a Planned Commercial Development.

Pages 100-103

Size: 0.5 acre BCC District:3

Original Petitioner: Robert Needle, Trustee

MOTION: Approve a time extension until July 15, 2001, for Resolutions R-86-228 and R-86-229.

13. **SR 93-29.2**

Status Report for Resolution R-94-949 (Petition 93-29). Property owner: Robert C. Malt and Company. Location: northwest corner of the intersection of Military Trail and Orleans Court, approximately 0.75 of a mile south of Belvedere Rd. Current zoning: General Commercial with a Conditional Overlay Zone.

Pages 104-107

Size: 2.07 acres BCC District:6

Original Petitioner: Robert C. Malt and Company

MOTION: Approve a time extension until July 28, 2001, for Resolution R-94-949.

- 14. **SR 94-35.2** Status Report for Resolution R-94-1073 (Petition 94-35).
Property owner: Robert W. Simmons, Jr. and John T. Christiansen Trs. Location: north side of Loxahatchee River Rd . Current zoning: RT-Residential Transitional.

Pages 108-110

Size: 10.75 acres BCC District:1

Original Petitioner: William Weizer

MOTION: Approve a time extension until August 25, 2001, for Resolution R-94-1073.

- 15. **CR 98-32/E1** Status Report for Resolution R-98-1131 (Petition 98-32).
Property owner: Wastemasters of Palm Beach, Inc. Location: northeast corner of the intersection of Wallis Rd. and Cleary Drive. Current zoning: Multiple Use Planned Development with Air Curtain Incinerator, Permanent (requested use).

Pages 111-112

Size: 8.9 acres BCC District:6

Original Petitioner: Harold Murphy

MOTION: Approve a time extension until August 1, 2000, for condition number E.1. of Resolution R-98-1131.

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

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORT

- 16. **CR 94-25** Status Report for Resolution R-Z-R-99-01 (Petition 94-25). Property owner: Anthony F. and Louann Agrusa. Location: north side of Northlake Blvd., approximately 300 feet east of Military Trail (4441 Northlake Blvd.). Current zoning: CG-General Commercial with a Class B Conditional Use allowing Building Supplies, Retail. (North County Plumbing)

(under separate cover)

Size: 0.26 acre

BCC District:1

Original Petitioner: Anthony F. Agrusa

MOTION: Approve a time extension until October 4, 1999, for Condition 6 (Resolution Z-R-99-01) which requires all required site improvements to be installed. In addition staff recommends that the Board of County Commissioners approve the following amendments to conditions of approval:

- 1. All previous conditions of approval contained in resolutions Z-R-94-07 and Z-R-99-01 continue to apply to the subject property unless expressly modified herein.
- 2. Hours of business operation shall be restricted to 8:00 am to 5:00 pm, Monday to Friday only. (ONGOING: CODE ENF)
- 3. No commercial vehicle parking shall be allowed on site between 6:00 pm and 7:30 am or on weekends. (ONGOING: CODE ENF)
- 4. Commercial vehicles shall be allowed to temporarily (one (1) hour or less) park on site only if actively loading and/or unloading (ONGOING: CODE ENF)

C. SMALL SCALE LAND USE AMENDMENT

- 17. **99-SCA
94 COM 2** Iron Sash and Door Company, Inc., by Robert Bentz, Land Design South, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial Low, with an underlying 3 units per acre (CL/3) with a condition limiting the site to 35,000 square feet of commercial use. General Location: West side of Jog Road, approx. 480' south of Woolbright Road. **(HIMMELRICH)**

Pages 113-142

Size: 3.74 acres

BCC District: 5

Staff Recommendation: Approval of the applicant's request for a future land use change from LR-3 to CL/3, subject to one condition.

LPA Recommendation: Approval of the applicant's request for a future land use change from LR-3 to CL/3, subject to one condition.

MOTION: To Approve the request for a future land use change from LR-3 to CL/3, subject to one condition, and adopt an ordinance affirming that action.

D. CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

- 18. **99-SCA
26 COM 1** Bombay Holdings, Inc., by Kieran Kilday, Kilday & Associates, Inc. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) to Commercial High, with an underlying 8 units per acre (CH/8) with cross-hatching on 0.459 of an acre and Commercial High, with an underlying 8 units per acre on 0.488 of an acre. General Location: 250' west of Federal Highway (US 1) and approx. 1/2 mile north of PGA Boulevard, between Wheeler Road and Dillone Road. **(BOMBAY HOLDINGS 2)**

Pages 143-166

Size: 0.947 acre ±

BCC District: 1

Staff Recommendation: Approval of the requested future land use change from HR-8 to CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions.

LPA Recommendation: Approval of the requested future land use change from HR-8 to CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions.

MOTION: To Approve the request for a future land use change from HR-8 to CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions, and adopt an ordinance affirming that action.

- 19. **Z/COZ 99-046** Official Zoning Map Amendment (Z) petition of Bombay Holdings Inc., by Kilday & Associates, Agent. Request: Rezoning from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ). General Location: Approx. 0.5 mile north of PGA Blvd. on the west side of US Highway 1 (**BOMBAY PARKING**).

Pages 167-179

Size: 0.98 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ).

E. PREVIOUSLY POSTPONED PUBLIC FACILITIES AGREEMENT AND ZONING PETITION

- 20. **PDD99-040** Public Facilities Agreement for Nautica Shores PUD

Pages 180-199

MOTION: To approve a Public Facilities Agreement for PDD99-040 (Nautica Shores PUD)

- 21. **PDD99-040** Official Zoning Map Amendment to a Planned Development District (PDD) petition of G. L. Homes of Florida, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). General Location: Approx. 1,400 feet south of Melaleuca Ln. on the west side of Haverhill Rd. extension (**NAUTICA SHORES PUD**).

Pages 200-236

Size: 120.0 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval, as amended, (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

F. ZONING PETITIONS

- 22. **W99-039** Waiver (W) petition of Unisite Inc., by Andy Zitman, Agent. Request: Waiver from separation distances to residential structures. General Location: Approx. 0.25 mile north of Southern Blvd. and west of D Rd. (**UNISITE - NEWMAN PROPERTY**).

Pages 237-265

Size: 14.8 acres ±

BCC District: 6

Staff Recommendation: Denial

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution denying the request for a waiver from separation distances to residential structures.

G. CORRECTIVE ORDINANCE (PLANNING DIVISION)

23. Correct Ordinances 99-32 and 99-33

Pages 266-274

MOTION: To adopt an ordinance amending the Land Use Element of the Comprehensive Plan to correct scrivener errors in Ordinances 99-32 and 99-33.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

B. PLANNING DIRECTOR.

6. COMMISSION COMMENTS.

7. ADJOURNMENT.