



BOARD OF COUNTY COMMISSIONERS AGENDA

April 27, 2000

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. CONSENT AGENDA (Pages 4-10)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 11-12)

5. DIRECTOR COMMENTS (Page 12)

6. COMMISSIONER COMMENTS (Page 12)

7. ADJOURNMENT (Page 12)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, APRIL 27, 2000

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 April 27, 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. **DOA**
96-081(A) Development Order Amendment (DOA) to reconfigure master plan and re-designate housing type petition of AN-SCA Homes, by Joe Lelonek, Agent. General Location: NE, SE and SW corners of Hypoluxo Rd. and Lyons Rd. (**VILLAGES OF WINDSOR**).

2. **PDD99-077** Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Arthur Leibovit/Helen Godfriend/Irving Denmark, by Land Design South, Agent. General Location: Approx. 375 feet east of SR 7/US 441 on the south side of Okeechobee Blvd. (**OKEECHOBEE/441 PUD**).

Page 2

Size: 37.82 acres ±

BCC District: 6

MOTION: None. (Postponed until May 25, 2000. Petitioner requested, by right)

3. **PDD 99-018(A)** Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Town & Country Builders, by H. P. Tompkins, Agent. General Location: Approx. 0.2 mile west of Military Trail on the north side of Hypoluxo Rd. (**LANTERN KEY PUD**).

Page 3

Size: 37.45 acres ±

BCC District: 3

MOTION: To postpone until May 25, 2000. (Requested by petitioner).

4. **DOA 98-013(A)** Development Order Amendment (DOA) to allow a daycare, general (requested use) petition of Southern Development Svcs. Inc, by Robert Bentz, Agent. General Location: SW corner of Military Trail and Lantana Rd. (**MILITARY & LANTANA MUPD**).

Page 4

Size: 8.11 acres ±

BCC District: 3

MOTION: To postpone until May 25, 2000. (Requested by petitioner).

5. **PDD99-074** Official Zoning Map Amendment to a Planned Development District (PDD) from Light Industrial (IL) to Multiple Use Planned Development (MUPD) with Arena, Auditorium or Stadium; Entertainment, Outdoor; Equestrian Arena, Commercial; Water and Wastewater Treatment Facility (requested uses) petition of John Janero and Nancy Thornton, by Kieran J. Kilday, Agent. General Location: Approx. 0.7 miles north of Beeline Hwy. on the east side of Seminole Pratt Whitney Rd. (**PALM BEACH SPEEDWORLD**).

N/A

Size: 79.9 acres ±

BCC District: 1

MOTION: To postpone until June 29, 2000. (Staff requested)

B. WITHDRAWALS

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

- B. ADOPTION OF RESOLUTIONS** - Zoning petitions approved on March 23, 2000, 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.

7. **Z/CA99-090** Official Zoning Map Amendment (Z) from Residential Medium Density (RM) to General Commercial (CG) and a Class A Conditional Use (CA) to allow a self-service storage facility petition of Edgar Adamson Jr. & Hixie Stephens, by Keith Hurbs, Agent. (**E&H SELF STORAGE**).

Pages 5-11

BCC District: 2

MOTION: To adopt two resolutions affirming zoning action on March 23, 2000.

8. **PDD99-047** Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Richard B. Crum, Trustee, by William Boose, Agent. (**DIAMOND SHAMROCK PUD**).

Pages 12-26

BCC District: 3

MOTION: To adopt a resolution affirming zoning action on March 23, 2000.

C. PREVIOUSLY POSTPONED ZONING PETITIONS - CONSENT

9. **PDD99-075** Official Zoning Map Amendment from Agricultural Residential (AR) to Planned Unit Development (PUD) with congregate living facility, type 3 (requested use) petition of Blue Green Enterprises, by Kieran Kilday, Agent. General Location: Approx. 0.3 miles east of Golden Lakes Blvd. and approx. 0.1 mile south of Okeechobee Blvd. (**GOLDEN LAKES CLF (PUD)**).

Pages 27-46

Size: 7.09 acres ±

BCC District: 2

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential (AR) to Planned Unit Development (PUD) with congregate living facility, type 3 (requested use).

D. ZONING PETITIONS - CONSENT

11. **DOA
78-242(B)** Development Order Amendment (DOA) to delete land area petition of PBC BCC FD&O, by Audrey Wolf, Agent. General Location: Approx. 1,200 feet east of Ponderosa Dr. on the north side of Palmetto Park Rd. (**BOCA WOODS COUNTRY CLUB**).

Pages 80-90

Size: 17.42 acres ±

BCC District: 5

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

12. **Z99-085** Official Zoning Map Amendment (Z) from Residential Estate (RE) and Agricultural Residential (AR) to Public Ownership (PO) petition of PBC BCC FD&O, by Audrey Wolf, Agent. General Location: Approx. 1,200 feet east of Ponderosa Dr. on the north side of Palmetto Park Rd. (**DISTRICT PARK "E"**).

Pages 91-111

Size: 27.42 acres ±

BCC District: 5

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Estate (RE) and Agricultural Residential (AR) to Public Ownership (PO).

13. **DOA
97-078(A)** Development Order Amendment (DOA) to delete internal PUD access point; add external access point and add church or place of worship petition of Reform Temple Shaarei Shalom, by Kilday & Associates, Inc., Agent. General Location: Approx. 0.8 mile north of Boynton Beach Blvd. on the west side of Hagen Ranch Rd. (**CIBA-GEIGY PUD (NKA PONTE VECCHIO PUD)**).

Pages 112-142

Size: 4.41 acres ± (affected)
219.95 acres ± (overall)

BCC District: 3

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to delete access point within PUD, add external access point and add a Church or place of worship.

14. **DOA
82-174(E)** Development Order Amendment (DOA) to delete land area petition of Benchmark Corp., by Kilday & Associates, Inc., Agent. General

15. **Z/COZ
2000-007** Official Zoning Map Amendment with Conditional Overlay Zone (Z/COZ) from Residential Single Family (RS) to Community Commercial (CC) with a Conditional Overlay Zone (COZ) petition of Benchmark Corp., by Kilday & Associates, Inc., Agent. General Location: NE corner of 95th Ave. South and Glades Rd. (**GLADES SQUARE**).

Pages 162-182

Size: 2.65 acres ±

BCC District: 5

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Community Commercial (CC) with a Conditional Overlay Zone (COZ).

16. **CA99-084** Class A Conditional Use (CA) to allow a church or place of worship petition of Apostolic Ministries International, by Greg Celentano, Agent. General Location: Approx. 900 feet east of "E" Rd. on the north side of Okeechobee Blvd. (**JESUS OUR SAVIOR CHURCH**).

Pages 183-200

Size: 4.86 acres ±

BCC District: 6

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

17. **PDD99-068** Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) petition of Velma & Donald Buckner/J&N Properties Inc./Martin Properties of the Palm Beaches, by Robert Bentz, Agent. General Location: Approx. 1,300 feet east of Hagen Ranch Rd. on the south side of Boynton Beach Blvd. (**EXCELSIOR PARC**).

Pages 201-222

Size: 58.76 acres ±

BCC District: 5

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

E. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS

18. **CR98-69/
E2** Resolution for status report for Bernardo & Luz Alzate, Petition 98-69. (**ALZATE NURSERY**)

Pages 223-224

BCC District: 3

MOTION: To receive and file Zoning Resolution ZR-2000-0003.

19. **CB
95-017(E)** Corrective Resolution (Exhibit C) for Addison Court Inc. and Friends of the Chabad of Boca Raton, Inc. (**ADDISON COURT DAYCARE**)

21. **CB99-050** Corrective Resolution (Exhibit C) for David and Brenda Englert
(**ENGLERT NURSERY**)

Page 234

BCC District: 3

MOTION: To receive and file Zoning Resolution ZR-2000-0006.

22. **CB99-073** Corrective Resolution (Exhibit C) for Glades Media Co. (**WAFC TOWER**)

Pages 235-237

BCC District: 6

MOTION: To receive and file Zoning Resolution ZR-2000-0007.

23. **DOA**
95-083(C) Resolution for Lane Boathouse LC/Wilbur & Eva Lane (**LANE**
BOATHOUSE)

Pages 238-247

BCC District: 1

MOTION: To receive and file Zoning Resolution ZR-2000-0008.

24. **CB99-011** Resolution for Everglades Farm Equipment Co. (**EVERGLADES FARM**
EQUIPMENT)

Pages 248-260

BCC District: 6

MOTION: To receive and file Zoning Resolution ZR-2000-0009.

F. STATUS REPORTS - CONSENT

25. **SR 89-97.7** Status Report for Resolutions R-90-362 and R-90-363 (Petition 89-97), the petition of W. G. Lassiter, Jr. Property owner: William G. Lassiter Jr., TR. General Location: West side of Military Trail, approximately 0.04 mile south of the intersection of Military Trail and Melaleuca Lane. Current zoning: CG-General Commercial with a Special Exception to permit a Planned Commercial Development (**MELALEUCA SHOPPES**).

Pages 261-263

Size: 2.6 acres ±

BCC District:3

MOTION: To approve a time extension until February 27, 2002, for Resolutions R-90-362 and R-90-363.

26. **SR 89-98.7** Status Report for Resolutions R-90-364 and R-90-365 (Petition 89-98), the petition of Allan Gluckstern. Property owner: W. G. Lassiter,

27. **SR 94-65(A).2** Status Report for Resolution R-99-530 (Petition CA94-65A), the petition of Esoil Corp. Property owner: Elwill Assoc., Inc. General Location: SE corner of the intersection of Gun Club Rd. and Military Trail. Current zoning: Commercial General with a Class A Conditional Use to allow a convenience store with gas sales (4 pumps) (**GUN CLUB EXXON**).

Pages 268-271

Size: 1.43 acres ±

BCC District:2

MOTION: To approve a time extension until July 6, 2000, for Resolution R-99-530.

28. **SR 95-96.2** Status Report for Resolution R-96-257 (Petition 95-96), the petition of Title Wave Investment Corp., Inc. Property owner: Tidal Wave Inv. Corp, Inc. General Location: East side of Tall Pines Rd., approximately 0.2 of a mile north of Southern Blvd.. Current zoning: Light Industrial (**JOY/312 REZONING**).

Pages 272-275

Size: 1.0 acres ±

BCC District:6

MOTION: To approve a time extension until February 22, 2001, for Resolution R-96-257.

29. **SR 96-85A** Status Report for Resolutions R-96-1954 and R-96-1955 (Petition 96-85(A)), the petition of Eddy and Silvia Recio. Property owner: Eddy M & Silvia M Recio. General Location: NW corner of the intersection of Dolan Rd. and Congress Ave. Current zoning: Limited Office Commercial with a Class A Conditional Use for a medical office or dental clinic (**RECIO REZONING**).

Pages 276-279

Size: 0.32 acre ±

BCC District:3

MOTION: To approve a time extension until December 2, 2001, for Resolutions R-96-1954 and R-96-1955.

30. **SR 96-112** Status Report for Resolutions R-97-264 and R-97-265 (Petition 96-112), the petition of Sprint Spectrum L.P. Property owner: Thomas W. and Lynn E. Googe. General Location: North side of Palomino Dr. approximately 100 feet east of SR 7/US 441. Current zoning: Residential Transitional with a Class A Conditional Use to allow a commercial communication tower (150 foot monopole) (**GOOGE TOWER**).

Pages 280-283

Size: 7.92 acres ±

BCC District:6

G. TDR CONTRACT, ESCROW AGREEMENT AND DEED

**31. PDD/TDR
97-72(A)**

Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Transeastern Properties, Inc., for the sale and purchase of 162 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$5,575.00 per unit for 116 units and \$5,600.00 per unit for 46 units, as approved by the Palm Beach County Board of County Commissioners on January 8, 1998 by Resolution Number 98-119 and May 28, 1998 by Resolution Number 98-746. Request: Approve an escrow agreement between Palm Beach County , Transeastern Properties, Inc. and Nason, Yaeger, Gerson, White & Lioce, P.A., (escrow agent) for the sale and purchase of 162 TDR units from the Palm Beach County TDR Bank at a purchase price of \$5,575.00 per unit for 116 units and \$5,600.00 per unit for 46 units, as approved by the Palm Beach County Board of County Commissioners on January 8, 1998 and May 28, 1998. (**THOROUGHbred LAKES ESTATES PUD**)

Pages 284-295

MOTION: To approve a contract for the sale and purchase of 116 development rights at a purchase price of \$5,575.00 per unit and 46 development rights at a purchase price of \$5,600.00 per unit for a total price of \$904,300.

MOTION: To approve an escrow agreement for 116 development rights at a purchase price of \$5,575.00 per unit and 46 development rights at a purchase price of \$5,600.00 per unit for a total price of \$904,300.

**32. PDD/TDR
97-72(A)**

Execute a deed conveying 162 Development Rights units to Transeastern Properties, Inc. as authorized in Resolutions 98-119 and 98-746 which approved the purchase of 116 Development Rights from the County's TDR Bank at a cost of \$5,575 per unit and the designation of the Thoroughbred Lake Estates PUD as a TDR Receiving Area for those units and Resolution 98-746 which approved the purchase of 46 Development Rights from the County's TDR Bank at a cost of \$5,600 per unit and the designation of the Thoroughbred Lake Estates PUD as a TDR Receiving Area for those units.

Pages 296-301

MOTION: To execute a deed conveying 162 Development Rights units to Transeastern Properties, Inc. as authorized in Resolutions 98-119 and 98-746.

H. ABANDONMENT RESOLUTIONS

33. **ABD 79-111(A)** Abandonment Resolution: To abandon the Special Exception granted under Resolution R-79-708, approving Zoning Petition 79-111, the petition of John F. Van Lennep Real Properties Inc., by John F. Van Lennep, President, for a Special Exception to allow a Commercial Stable and Horse Breeding and Training Farm Including a Water Treatment Facility and the Special Exception granted under Resolution R-89-05, approving Zoning Petition 79-111A, the petition of John Van Lennep Real Properties, Inc. by Larry Schone, Agent, for a Special Exception to amend and expand the site plan for a Commercial Stable and Horse Breeding and Training Farm including a Water Treatment Plant to 1) increase building square footage; and 2) increase acreage. (**CASTLETINY FARMS**)

Pages 302-303

BCC District: 5

MOTION: To adopt a resolution approving the abandonment of the Special Exception granted by Resolutions R-79-708 and R-89-05.

34. **ABD 99-031** Abandonment Resolution: To abandon Resolution R-99-1214, the petition of Kenco Communities at the Ranch, Inc., by Kilday & Associates, agent, for a Class A Conditional Use to allow an Agricultural Excavation. (**MICCOSUKEE ESTATES**)

Pages 304-306

BCC District: 5

MOTION: To adopt a resolution to abandon Resolution R-99-1214.

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

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORT

35. SR

85-91A.7 Status report for Resolution 89-1438 (Petition 85-91(A)) the petition of Okeechobee Motel Joint Venture. Property owner: WPB Innkeepers. General Location: North side of Okeechobee Blvd., approximately 220 feet west of West Dr. Current zoning: CG-General Commercial with a Special Exception which amended the site plan for a motel to 1) increase the square footage and 2) decrease the land area (**COMFORT INN**).

Pages 307-310

Size: 2.99 acres ±

BCC District:6

MOTION: To adopt a resolution to approve a development order amendment to amend conditions of approval and 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.

C. ZONING PETITIONS

36. Z/CA

84-005(B) Official Zoning Map Amendment (Z) from Residential Medium Density (RM) to Residential Single Family (RS) and a Class A Conditional Use (CA) to allow a daycare, general petition of United Cerebral Palsy, by Donna Reed, Agent. General Location: NE corner of Coconut Rd. and 2nd Ave. N. (**UNITED CEREBRAL PALSY DAYCARE**).

Pages 311-328

Size: 3.29 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 (Z) from Residential Medium Density (RM) to Residential Single Family (RS)

37. **PDD99-092** Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) petition of Thomas and Betty Jo Spalding, Gianolio Ltd Partnership, by Land Design South, Agent. General Location: NE corner Jog Rd. and Lake Ida Rd. (**SPALDING MUPD**).

Pages 329-359

Size: 25.9 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

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).

38. **W 81-095(B)** Waiver (W) from separation from residential structure petition of Atlantic Coast Tower, by Michael Houston, Agent. General Location: NW corner of Forest Hill Blvd. and Congress Ave. (**FOREST HILL CENTER**).

Pages 360-389

Size: .06 acres ± (affected)
19.53 acres ± (overall)

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for Waiver (W) from separation from residential structure.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

39. AI-00-03 Skydive America (Extended Film Permit)
Pages 390-395

40. AI-00-04 Nursery Property Development Regulations

(under separate cover)

B. PLANNING DIRECTOR.

C. COUNTY ENGINEER.