

Board of County Commissioners

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

February 22, 2001

**THURSDAY
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

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-3)

3. CONSENT AGENDA (Pages 4-8)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 9-12)

5. DIRECTOR COMMENTS (Page 11)

6. COMMISSION COMMENTS (Page 11)

7. SCHOOL CONCURRENCYAMENDMENTS IN ROUND 00-SCI (Page 12)

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AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, FEBRUARY 22, 2001

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 February 22, 2001 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication - Motion to receive and file.
- E. Swearing In - County Attorney.
- F. Motion to Adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **00-SCA
63 COM 2** Belvedere Commerce Center, LLC., by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Industrial (IND) to Commercial High (CH). General Location: SE corner of Belvedere Rd. and Sansbury's Way. **(BELVEDERE COMMERCE CENTER)**

N/A

Size: 1.38 acre ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from IND to CH.

LPA Recommendation: Approval of the requested future land use change from IND to CH (11-0 vote).

MOTION: To postpone 30 days until March 22, 2001. (Requested by petitioner. Staff supported.)

2. **PDD1999-028(A)** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales petition of Belvedere Commerce Center, LLC by Robert E. Basehart, Agent. General Location: SE corner of Belvedere Rd. and Sansbury's Way (**BELVEDERE COMMERCE CENTER**).

Page 1

Size: 8.77 acres ±

BCC District: 6

MOTION: To postpone 30 days until March 22, 2001. (Requested by petitioner. Staff supported.)

3. **PDD 2000-039** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Unit Development (MUPD) with financial institution and fast food restaurant (requested uses) petition of Halverson Development by Kieran Kilday, Agent. General Location: NE corner of Lyons Rd. and Hypoluxo Rd. (**TOWN COMMONS MUPD (1)**).

Page 2

Size: 19.5 acres ±

BCC District: 3

MOTION: To postpone 30 days until March 22, 2001. (Requested by petitioner. Staff supported.)

4. **SR 90-17A** Status Report for Resolution(s) R-97-1289 (Petition 90-17A), the petition of George T. Kelly IV. Property owner: Lawrence J. Gabriel and Boynton Beach Self Storage. General Location: Approx. 500 ft. east of Hagen Ranch Rd. on the south side of Boynton Beach Blvd. Current zoning: Multiple Use Planned Development (MUPD) (**BOYNTON SELF STORAGE**).

Pages 3-5

Size: 2.40 acres ± (affected)
6.32 acres ± (overall)

BCC District: 5

MOTION: To postpone status report until March 22, 2001.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. REMANDS

5. PDD

1999-036

Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) petition of Joe Fearnley, Trustee, by Richard Carlson, Agent. General Location: SE corner of Military Trail and Coconut Lane (**COCONUT PLAZA MUPD**).

NA

Size: 3.83 acres ±

BCC District: 4

MOTION: To remand back to February 28, 2001 DRC. (Staff initiated.)

6. **Z2000-062**

Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Medium Density (RM) petition of Fairway Isles Ltd., by Kathi Powell, Agent. General Location: Approx. 2,500 feet east of Congress Avenue on the north side of Donnelly Drive (**LANAIR PARK TOWNHOMES**).

Page 6

Size: 3.61 acres ±

BCC District: 3

MOTION: To remand back to March 28, 2001 DRC. (Requested by petitioner. Staff supported.)

C. **ADOPTION OF RESOLUTIONS** - Zoning petitions approved on January 25, 2001, 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 o public comment.

7. PDD/TDR

2000-052

Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) and a Transfer of Development Right (TDR) for 327 units and designate PDD00-052 as the receiving area petition of GL Homes of Florida II Corp, by Kilday & Associates, Agent. General Location: Approx. 2 miles south of Lantana Rd. on the east of SR 7/US 441 and west side of the Florida Turnpike (**VALENCIA IV PUD**).

Pages 7-32

MOTION: To adopt **two** resolutions affirming zoning action on January 25, 2001.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

- 8. **Z/CA 1998-073(2)** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Light Industrial (IL) and Class A Conditional Use (CA) to allow a truck rental petition of Herbert & Karl Kahlert, by Kilday & Assoc., Agent. General Location: SW corner of Hagen Ranch Rd. and Boynton Beach Blvd. (**KAHLERT SSSF**).

Pages 33-55

Size: 4.85 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Light Industrial (IL).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow truck rental use.

E. ZONING PETITIONS - CONSENT

- 9. **Z2000-101** Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional (RT) petition of Lieb Family Holding, by George Gentile, Agent. General Location: East side of Pennock Point Rd at Old Fork Jupiter Rd (**ESTATES OF PENNOCK POINT**).

Pages 56-67

Size: 9.33 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved as advertised, (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Residential Transitional (RT).

- 10. **DOA1981-186(G)** Development Order Amendment(DOA) to allow a self-service storage facility and truck rental (requested uses) petition of Mini Storage Developers, by Mark Bradford, Agent. General Location: NE corner of Jog Rd. and Lantana Rd. (**LEE SQUARE**).

Pages 68-119

Size: 38.19 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment(DOA) to allow a self-service storage facility and truck rental.

F. STATUS REPORTS - CONSENT

11. **SR 73-91D** Status Report for Resolution R-97-1576 (Petition 73-91D), the petition of First Union National Bank. Property owner: First Union National Bank. General Location: SE corner of Jog Rd.and Lake Worth Rd. Current zoning: Multiple Use Planned Development with a Development Order Amendment to add square footage (1,060 sq. ft.) (**LAKE WORTH PLAZA WEST-1ST UNION BANK**).

Pages 120-122

Size: 0.97 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke Resolution R-97-1576, the Development Oder Amendment which approved additional square footage (1,060 sq. ft.).

12. **SR 89-106.3** Status Report for Resolutions R-90-587 and R-90-588 (Petition 89-106), the petition of Floyd A. Schlossberg. Property owner: Floyd A. Schlossberg. General Location: Approx. 110 feet west of Davis Rd. on the north side of Forest Hill Blvd. Current zoning: CG-General Commercial with a Special Exception to permit a Planned Commercial Development (**NORTHWOODS PCD**).

Pages 123-126

Size: 3.4 acres ±

BCC District: 2

MOTION: To 1) adopt a resolution to amend conditions of approval (site plan) in Resolution R- 90-588; 2) direct the Code Enforcement Division to cite the property owner for failure to comply with condition number 13 of Resolution R-90-588; and approve a time extension until August 21, 2002, to commence development of Phase 2.

13. **SR 80-167B.2** Status Report for Resolution R-95-1735 (Petition 80-167B), the petition of Commercial Properties Development Corp. Property owner: West Palm Beach FL CPDC, Ltd. General Location: NE corner of the intersection of Military Trail and Summit Blvd. Current zoning: CG-General Commercial with a Development Order Amendment to increase square footage (+5000 SF) within a previously approved planned development. (**POLO GROUNDS SHOPPING CENTER**).

Pages 127-130

Size: 17.03 acres ±

BCC District: 2

MOTION: To approve a time extension until December 4, 2002, for Resolution R-95-1735, and until December 31, 2001, for condition number B.6. of Resolution R-95-1735.

14. **SR 81-163B** Status Report for Resolution R-97-6 (Petition 81-163B), the petition of Boca Properties, Inc. Property owners: WRC Properties Inc., Teachers Insurance & Annuity, JV Florida Two Inc. General Location: Approx. 0.2 mile south of Glades Rd. on the east side of Military Trail. Current zoning: CG-General Commercial with a Development Order Amendment to amend Condition 2 (maximum building square footage) of Resolution R-85-240, add square footage (+49,000)and redesign site plan (**BOCA CENTER**).

Pages 131-134

Size: 28.62 acres ±

BCC District: 4

MOTION: To approve a time extension until January 6, 2003, for Resolution R-97-6.

15. **SR 85-113B.5** Status Report for Resolution R-94-12 (Petition 85-113B), the petition of William and Daphne Cleve. Property owner: Francalby Corp. General Location: NE corner of Hypoluxo Rd. and High Ridge Rd. Current zoning: Community Commercial with a Conditional Overlay Zone (COZ). (**DISCOUNT AUTO**)

Pages 135-137

Size: 4.04 acres ±

BCC District: 3

MOTION: To approve a time extension until January 3, 2003, for Resolution R-94-12.

16. **SR 89-65.6** Status Report for Resolutions R-90-55 and R-90-56 (Petition 89-65), the petition of Theodore E. Davis. Property owner: Turtle Beach Ltd. General Location: SW corner of Military Trail and Square Lake Dr. Current zoning: CS-Specialized Commercial with a Special Exception to permit a Planned Office Business Park (**SQUARE LAKE PLAZA**).

Pages 138-140

Size: 3.4 acres ±

BCC District: 1

MOTION: To approve a time extension until January 2, 2003, for Resolutions R-90-55 and R-90-56.

17. **SR 97-79** Status Report for Resolution R-98-12 (Petition 97-79), the petition of Palm Beach County - Prem Division. Property owner: Palm Beach County. General Location: Approx.175 feet east of Seacrest Blvd. on the south side of Hypoluxo Rd., Current zoning: General Commercial (**TRACT "K" REZONING**).

Pages 141-144

Size: 1.13 acres ±

BCC District: 7

MOTION: To exempt Resolution R-98-12 from further Section 5.8 review.

18. **SR 97-85** Status Report for Resolutions R-98-5 and R-98-6 (Petition 97-85), the petition of Meadowland Dev. Corp. Property owner: Meadowland Dev. Corp. General Location: Approx. 300 feet north of LeChalet Blvd., between Haverhill Rd. on the east and Military Trail on the west. Current zoning: Planned Unit Development (Gateway Gardens PUD) w/church or place of worship (requested use) and TDR for 47 units (**GATEWAY GARDENS PUD**).

Pages 145-147

Size: 2.78 acres ±

BCC District: 3

MOTION: To approve a time extension until January 8, 2003, for Resolutions R-

98-5 and R-98-6.

19. **CR 80-103/H2** Status Report for Resolution R-99-699 (Petition 80-103I), the petition of Four Florida Shopping Centers Properties. Property owner: Southport Mortgage. General Location: Approx. 400 feet south of the corner of SR7/US 441 and SW 14th St. Current zoning: General Commercial with a Development Order Amendment to add general repair and maintenance use (**SANDALFOOT PLAZA - GOODYEAR**).

Pages 148-151

Size: 0.67 acres ±

BCC District: 5

MOTION: To direct staff of the Code Enforcement Division to cite the property owner for failure to comply with condition number H.2. of Resolution R-99-699.

20. **CR 84-5B/E8** Status Report for Resolution R-2000-0590 (Petition 84-005B), the petition of United Cerebral Palsy. Property owner: United Cerebral Palsy Assn. General Location: NE corner of Coconut Rd. and 2nd Avenue North. Current zoning: Residential Single Family with a Class A Conditional Use to allow a general daycare (**UNITED CEREBRAL PALSY DAYCARE**).

Pages 152-155

Size: 3.28 acres ±

BCC District: 3

MOTION: To approve a time extension until January 1, 2002, for condition number E.8. of Resolution R-2000-0590.

G. ADMINISTRATIVE INQUIRY - PREM

21. **AI-01-01** Civic Site Cash-out for Sussman PUD (Petition 2000-032(A))

Pages 156-157

H. CORRECTIVE RESOLUTION

22. **DOA 1998-077(A)** Corrective Resolution: To correct Conditions C.1, P.1 and P.6 of Exhibit C in Resolution R-2000-1578 (**VILLAGE CORNER**)

Pages 158-161

BCC DISTRICT: 6

MOTION: To adopt a resolution to correct Conditions C.1, P.1 and P.6 of Exhibit C in Resolution R-2000-1578.

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. CONCURRENT SMALL SCALE LAND USE AMENDMENTS AND ZONING PETITIONS

23. **01-SCA
105 RES 1** Schickendanz Capital Group, LLC, by Robert Bentz, Land Design South, Inc. Small Scale Land Use Amendment (SCA): Amend land use from from Commercial Low-Office, with an underlying 5 units per acre (CL-O/5) on 2.75 acres and Institutional, with an underlying 8 units per acre (INST/8) on 7.04 acres to Medium Residential, 5 units per acre (MR-5). General Location: Approx. 2,600 feet north of Yamato Rd on the west side of SR 7/US 441. (**STRATA DEVCO 2**)

Pages 162-183

Size: 9.78 acre ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from CL-O/5 and INST/8 to MR-5.

LPA Recommendation: Approval of the requested future land use change from CL-O/5 and INST/8 to MR-5 (12-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from CL-O/5 and INST/8 to MR-5.

24. **Z/CA1999-
042(A)** Official Zoning Map Amendment (Z) from Multiple Use Planned Development (MUPD) to Residential Single Family (RS) and a Class A Conditional Use (CA) to allow zero lot line homes petition of West Boca LLC, by Land Design South, Agent. General Location: Approx. 2,600 feet north of Yamato Rd on the west side of SR 7/US 441 (**STRATA DEVCO**).

Pages 184-203

Size: 9.78 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Z: MUPD to RS, approved as amended, (5-0). CA: Zero lot line homes, approved as amended, (4-1).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Multiple Use Planned Development (MUPD) to Residential Single Family (RS).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow zero lot line homes.

MOTION: To release the restriction on the recorded deed.

25. **01-SCA
83 COM 1** Southern Development Services, by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5) with cross-hatching on the western 200 feet of the site. General Location: Approx. 233 feet west of Congress Ave. on the north side of Hypoluxo Rd., **(ZANK 3 / WALGREENS)**

Pages 204-229

Size: 1.95 acre ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from MR-5 to CL/5 with cross-hatching on the western 200 feet of the site, with conditions.

LPA Recommendation: Approval of staff's recommendation of a future land use change from MR-5 to CL/5 with cross-hatching on the western 200 feet of the site, with conditions (13-0 vote).

MOTION: To adopt an ordinance approving staff's recommendation for a future land use change from MR-5 to CL/5 with cross-hatching on the western 200 feet of the site with conditions.

26. **Z/DOA
1996-
072(B)** Official Zoning Map Amendment (Z) from Residential Single Family (RS) to Community Commercial (CC) and a Development Order Amendment (DOA) to add land area, square footage, reconfigure site plan and modify/delete conditions of approval petition of Southern Development Corp, by Robert Basehart, Agent. General Location: NW corner of Hypoluxo Rd. and Congress Ave. **(WALGREENS)**.

Pages 230-257

Size: 1.95 acres ± (rezoning)
2.57 acres ± (overall)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area, square footage, reconfigure site plan and modify/delete conditions of approval.

C. PREVIOUSLY POSTPONED ZONING PETITION

- 27. **DOA 1996-105(A)** Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-1097; add building square footage; reconfigure master plan; add 2nd self-storage facility and vehicle rental (requested uses) petition of Delray Land Co. of Iowa Inc. and Portalegre, by Land Design South, Agent. General Location: Approx. 0.25 mile east of Jog Rd. on the south side of West Atlantic Ave. (**ATLANTIC CENTER MUPD**).

Page 258-288

Size: 9.16 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 a Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-1097; add building square footage; reconfigure master plan; add 2nd self-storage facility and vehicle rental.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

- 28. Permission to Advertise for the Bed and Breakfast Ordinance

(under separate cover)

- 29. Permission to advertise for the Agricultural Issues Ordinance

(under separate cover)

B. PLANNING DIRECTOR.

- 30. Sector Plan Update - Denise Malone, Project Manager

N/A

6. COMMISSION COMMENTS.

7. SCHOOL CONCURRENCY AMENDMENTS IN ROUND 00-SC1

(under separate cover)

ITEM	DESCRIPTION	RECOMMENDATIONS/ ACTIONS	DCA OBJECTION/ STAFF RESPONSE
Capital Improvement Revisions for Public School Concurrency	This proposed amendment will revise the Capital Improvement Element for consistency with the proposed Public School Facilities Element.	Planning: Approval LPA: Approval (12-0) BCC: Transmit (6-0, with Comm. Lee absent). At the hearing, board discussion included concerns on the School District's ability to finance the five year capital program and beyond. Consultant Leo Noble and Dr. Steve Barnett, Director of the School District's construction program, indicated that State law requires a financially feasible plan, and that the School District has already committed staff, managerial and operational resources to complete the construction program according to the Six Year capital program schedule, with currently available funding sources.	DCA Objection: The ORC contained objections regarding CIE Policy 1.2-e.3. DCA suggested to either adopt by reference the School District of Palm Beach County Six Year Capital Improvement Schedule, or alternatively, to revise CIE policy 1.2-e.3 by including a reference to CIE Table 17, as proposed for adoption, which shows the Six Year Capital Improvement Schedule. Staff Response: A reference to CIE Table 17 was included at the end of CIE Policy 1.2-e.3.
Public School Concurrency	This proposed amendment will replace the existing Public Education Element with a new Public School Facilities Element consistent with Florida Statutes for establishing school concurrency. It will also revise the appropriate definitions within the Introduction and Administration Element, and add the required maps to the Map Series.	Planning: Approval LPA: Approval (12-0) BCC: Transmit (6-0, with Comm. Lee absent). Board discussion included concerns on the School District's ability to finance the plan (see Noble/Barnett's response above); consistency of school siting criteria with local governments' comprehensive plans; and consistency of population projections. Planning Dir. Frank Duke and Co. Attorney Barbara Alterman indicated that these issues were addressed in the interlocal agreement. A representative from the Community Development Council spoke in support of the proposed school concurrency program, indicating that his organization had some concerns on the proposed tiered levels of service and the plan's impact on development activities.	DCA Objections: The ORC commended the County for an excellent school concurrency document, and provided several minor technical objections. DCA's recommendations included revising the Plan to clarify policies addressing LOS and suspension of school concurrency and for consistency with the interlocal agreement. Staff Response: The County's response addresses recommendations and comments outlined in the report as requested by DCA.
MOTION: To adopt an ordinance to replace the existing Public Education Element with a new Public School Facilities Element , amending the Introduction and Administration Element , the Capital Improvement Element , and the Map Series for the purposes of School Concurrency.			

8. ADJOURNMENT.