

Board of County Commissioners

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

January 4, 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
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-4)

3. CONSENT AGENDA (Pages 5-10)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 11-12)

5. DIRECTOR COMMENTS (Page 11)

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AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, JANUARY 4, 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 January 4, 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.
- G. Disclosure.

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 administratively postpone 30 days until January 25, 2001. (Requested by staff.)

2. **PDD 99-028(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**).

N/A

Size: 8.56 acres ±

BCC District: 6

MOTION: To administratively postpone 30 days until January 25, 2001. (Requested by staff.)

3. **PDD99-036** 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**).

Page 1

Size: 3.83 acres ±

BCC District: 4

MOTION: To postpone 60 days until February 22, 2001. (Requested by petitioner. Staff supported.)

4. **Z00-062** 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**).

N/A

Size: 3.61 acres ±

BCC District: 3

MOTION: To postpone 60 days until February 22, 2001. (Postponed by Zoning Commission.)

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

Pages 2-4

Size: 2.4 of 6.32 acres ±

BCC District: 5

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

B. WITHDRAWALS

6. **PDD00-011** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a self-service storage facility (requested use) petition of Paul & Marjorie Meloche, by Land Design South, Agent. General Location: Approx. 3,500 feet west of Military Trail on the north side of Lantana Rd. (**ABLE'S SELF-SERVICE STORAGE FACILITY**).

NA

Size: 8.05 acres ±

BCC District: 3

MOTION: None. (Administratively withdrawn.)

7. **CA 89-095(A)** Class A Conditional Use (CA) to allow a daycare, general petition of L&G Enterprises, Inc. and Gabor J. Mertl, by Gabor J. Mertl, Agent. General Location: SW corner of Haverhill Rd. and Horseshoe Circle North (**HAVERHILL DAYCARE**).

Page 5

Size: 1.99 acres ±

BCC District: 2

MOTION: None. Withdrawn by petitioner.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS - CONSENT

8. **DOA 98-089(A)** Development Order Amendment (DOA) to delete land area and modify/delete conditions petition of CHS Properties by Land Design South, Agent. General Location: SE corner of Southern Blvd. and Congress Ave. (**CHS PROPERTIES MUPD**).

Pages 6-30

Size: 11.96 acres ± (deleted) BCC District: 2
 27.55 acres ± (remaining)

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 delete land area and modify/delete conditions.

9. **Z00-056** Official Zoning Map Amendment (Z) from Multiple Use Planned Development (MUPD) to Public Ownership (PO) petition of PBC Department of Airports by Land Design South, Agent. General Location: SE corner of Southern Blvd. and Congress Ave. (**URS GREINER/PBC REZONING**).

Pages 31-42

Size: 12.31 acres ± BCC District: 2

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Multiple Use Planned Development (MUPD) to Public Ownership (PO).

10. **CA00-068** Class A Conditional Use (CA) to allow a church or place of worship petition of Unity Church of the Palms, by Mark Bradford, Agent. General Location: Approx. 1,000 feet west of I-95 on the north side of Donald Ross Road (**UNITY CHURCH**).

Pages 43-56

Size: 1.29 acres ± BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (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.

11. **CA 79-208(A)** Class A Conditional Use (CA) to allow an automotive paint and body shop petition of Exquisite Auto Body, by Dennis Koehler, Agent. General Location: Approx. 650 feet north of Lake Worth Road on the west side of Military Trail (**EXQUISITE AUTO BODY**).

Pages 57-71

Size: 0.6 acres ± (affected) BCC District: 2
 1.1 acres ± (overall)

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 an automotive paint and body shop.

12. **Z00-069** Official Zoning Map Amendment (Z) from Residential High Density (RH) to Community Commercial (CC) petition of Linh T. Mai, by Kevin McGinley, Agent. General Location: Approx. 300 feet west of Military Trail on the south side of Elmhurst Road (**ORIENTAL MARKET**).

Pages 72-87

Size: 0.21 acres ± BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

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 High Density (RH) to Community Commercial (CC).

13. **EAC 88-127(B)** Development Order Amendment/Expedited Application Consideration (EAC) to reconfigure site plan, modify/delete conditions of approval and add building square footage petition of Scot A. Johnson by Kilday & Associates, Agent. General Location: SE corner of the Okeechobee Blvd. & Sansbury's Way (**THOUSAND PINES PLAZA**).

Pages 88-110

Size: 2.34 acres ± (affected) BCC District: 2
 9.78 acres ± (overall)

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment/Expedited Application Consideration (EAC) to reconfigure site plan, modify/delete conditions of approval and add building square footage.

C. STATUS REPORTS - CONSENT

14. **SR 88-33E** Status Report for Resolution R-98-1130 (Petition DOA88-33(E)), the petition of Harold Murphy. Property owner: Harold Murphy. General Location: north side of Southern Blvd. approx. 330 ft. east of Cleary Rd. Current zoning: Light Industrial with a Special Exception to delete land area (-8.871 acres) and modify/delete conditions of R-97-658 (**MURPHY'S TOWING**).

Pages 111-114

Size: 4.08 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (right-of-way) in Resolution R-98-1130, and approve a time extension until May 22, 2002, for Resolution R-98-1130.

15. **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: north side of Forest Hill Blvd., approximately 110 feet west of Davis Rd. Current zoning: CG-General Commercial with a Special Exception to permit a Planned Commercial Development (**NORTHWOODS PCD**).

Pages 115-118

Size: 3.4 acres ±

BCC District: 2

MOTION: To 1) Adopt a resolution to approve a development order amendment to amend conditions of approval (building permit) in Resolution R-90-588, and 2) direct the Code Enforcement Division to cite the property owner for failure to comply with condition number 13 of Resolution R-90-588

16. **SR 95-46.2** Status Report for Resolution R-95-1321.4 (Petition 95-46), the petition of Gary Rosekowski. Property owner: Ray E. VanTine. General Location: approx. 0.5 mile west of Congress Ave. on the north side of 6th Ave. South/Melaleuca Lane. Current zoning: RM-Multiple Family Residential (Medium Density) with a Voluntary Density Bonus (VDB) - 17 units (**VAN TINE PLACE**).

Pages 119-122

Size: 4.3 acres ±

BCC District: 3

MOTION: To approve a time extension until September 28, 2002, for Resolution R-95-1321.4.

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

Pages 123-125

Size: 0.97 acres ±

BCC District: 2

MOTION: To approve a time extension until October 23, 2002, for Resolution R-97-1576.

18. **SR 77-13(O)** Status Report for Resolutions R-95-1728 and R-95-1729 (Petition 77-13(O), the petition of Boca Greens, Inc. . Property owner: Boca Greens Homeowners Assn., Inc.. General Location: SW corner of New England Blvd. and S.R. 7, approx. 0.4 mile north of Glades Rd. Current zoning: Residential Transitional Suburban with a Development Order Amendment to increase acreage (**BOCA GREENS PUD**).

Pages 126-128

Size: 2.97 acres (affected) BCC District: 5
1,073.3 acres (overall) ±

MOTION: To approve a time extension until October 21, 2002, for Resolutions R-95-1728 and R-95-1729.

19. **SR 78-253A.2** Status report for Resolution R-96-1742 (Petition 78-253A) the petition of Glades Pike East, Ltd. and Glade Pike Inv., Ltd. Property owner: Glades Pike East, Ltd. General Location: NW corner of Glades Rd. and Florida Turnpike. Current zoning: General Commercial with a Development Order Amendment to allow an auto service station (requested use). (**WEST BOCA PLACE**).

Pages 129-132

Size: 3.48 (affected) BCC District: 5
8.7 acres (overall) ±

MOTION: To adopt a resolution to revoke Resolution R-96-1742, the Development Order Amendment which allowed an auto service station (requested use).

20. **SR 80-188D** Status Report for Resolutions R-96-1956 and R-96-1957 (Petition 80-188D), the petition of Florida Conference Association of 7th Day Adventist. Property owner: Florida Conference Association of Seventh-Day Adventists. General Location: south side of Summit Blvd., approximately 800 feet east of Jog Rd. Current zoning: Residential Transitional Urban with a Development Order Amendment to add land area (+3.01); add square footage (+13,071) and reconfigure site plan (**7TH DAY ADVENTIST CHURCH**).

Pages 133-135

Size: 7.42 acres ± BCC District: 6

MOTION: To approve a time extension until July 25, 2002, for Resolutions R-96-1956 and R-96-1957.

21. **SR 81-1.3** Status Report for Resolution R-81-316 (Petition 81-1), the petition of Boca Golf & Tennis Club PUD. Property owner: Boca Golf & Tennis Property Owners Association, Inc. General Location: approx. 500 feet north of Clint Moore Rd. on the west side of Congress Ave. Current zoning: RS-Single Family Residential with a Special Exception for a Planned Unit Development (**BOCA GOLF AND TENNIS CLUB PUD**).

Pages 136-139

Size: 312.2 acres ± BCC District: 4

MOTION: To approve a time extension until October 13, 2001, for Resolution R-81-316.

22. **SR 83-153.2** Status Report for Resolution R-96-1965 (Stipulated Settlement Agreement to revoke Resolution R-95-278, reinstate the Special Exception to allow a PUD and extend plat recording deadline), (Original Petition 83-153, petition of Robert C. Malt). Property owner: Corona Land Development, Inc. General Location: south side of Summit Blvd., approx. 0.5 of a mile east of Jog Rd. Current zoning: RS-Single Family Residential District with a Special Exception to allow a Planned Unit Development (**VICTORIA WOODS PUD**).

Pages 140-143

Size: 164.6 acres ±

BCC District: 6

MOTION: To approve a time extension until October 21, 2002, to record a plat for Resolution R-96-1965.

23. **SR 84-99F.2** Status report for Resolution R-95-1467 (Petition 84-99F) the petition of Mission Bay Plaza Associates. Property owners: Mission Bay Plaza Assoc. and Centrum Mission Bay Ltd. General Location: NW corner of Glades Rd. and S.R. #7. Current zoning: General Commercial with a Development Order Amendment to amend condition number 9 and increase square feet limitation to 305,928 (**MISSION BAY PLAZA**).

Pages 144-147

Size: 24.28 acres±

BCC District: 5

MOTION: To adopt a resolution to revoke Resolution R-95-1467, the Development Order Amendment which amended condition number A.9. of Resolution R-93-1361 (square foot limitation).

24. **SR 85-89.4** Status Report for Resolutions R-90-1440 and R-90-1441 (Petition 85-89A), the petition of William Boose, III, Trustee. Property owner: Robert W. Mc Donald., Golden Lakes Village Assn. A Inc., and Palm Beach Apt. Ltd. General Location: south side of Okeechobee Blvd. and north side of Belvedere Rd., on the east and west sides of Golden Lakes Blvd. Current zoning: RS-Single Family Residential District with a Special Exception for a Planned Unit Development (**GOLDEN LAKES PUD**).

Pages 148-151

Size: 21.5 acres ±

BCC District: 2

MOTION: To approve a time extension until October 23, 2001, for Resolutions R-90-1440 and R-90-1441.

25. **SR 94-56** Status Report for Resolutions R-95-279 and R-95-280 (Petition 94-56), the petition of Ronald S. Woods, Trustee. Property owner: Ronald S. Woods, TR. General Location: approximately 1.0 mile west of Jupiter Farms Rd. on the north side of Randolph Siding Rd. Current zoning: AR-Agricultural Residential with a Class A Conditional Use allowing removal of excavated material in excess of 10% (**WILD PALMS**).

Pages 152-155

Size: 36.90 acres ±

BCC District: 1

MOTION: To 1) approve a time extension until January 4, 2003, for Resolutions R-95-279 and R-95-280, and 2) direct the Code Enforcement Division to cite the property owner for failure to comply with condition numbers 16, 17, 18, 19, and 20 of Resolution R-96-1362.

- 26. **SR 96-129** Status Report for Resolution R-97-1567 (Petition 96-129), the petition of Ruby Bennett. Property owner: Brighton at Delray Beach. General Location: approx. 0.25 mile south of Flavor Pict Rd. on the east side of Military Trail. Current zoning: Planned Unit Development (**WINTERPLACE PUD**).

Pages 156-158

Size: 34.62 acres ±

BCC District: 4

MOTION: To approve a time extension until October 23, 2001, for Resolution R-97-1567.

- 27. **CR 89-52B/E7** Status Report for Resolution R-2000-1235 (Petition 89-52B). Property owner: GKK Corporation. Location: approx. three miles west of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. Current zoning: (**GKK EXCAVATION**).

Pages 159-161

Size: 3,044.85 acres

BCC District: 6

MOTION: To approve a time extension until June 1, 2001, for condition numbers E7a, E7b, and E7c of Resolution R-2000-1235

D. CORRECTIVE RESOLUTION

- 28. **TDR 80-153(H)** Corrective Resolution: To correct the findings of fact and the legal description of Resolution R-2000-1574 (**ABERDEEN PUD**)

Pages 162-163

MOTION: To adopt a resolution to correct the findings of fact and the legal description of Resolution R-2000-1574.

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. PREVIOUSLY POSTPONED ZONING PETITION

- 29. **DOA 75-151(C)** Development Order Amendment (DOA) to allow a congregate living facility, type III and an adult daycare, general petition of LandCo Inc., by Land Design South, Agent. General Location: SE corner of Via Flora and Lake Ida Rd. (**DELRAY VILLAS CIVIC SITE**).

Pages 164-185

Size: 5.63 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 a Development Order Amendment (DOA) to allow a congregate living facility, type III and an adult daycare, general.

C. SMALL SCALE LAND USE AMENDMENT

- 30. **00-SCA 76 COM 2** Shih C. Ching, by Kevin McGinley, Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) to Commercial High-Office (CH-O). General Location: Southwest quadrant of Lake Worth Rd. and the Ronald Reagan Turnpike. (**LAKE WORTH/TURNPIKE**)

Pages 186-214

Size: 4.88 acre ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from LR-2 to CH-O with conditions.

LPA Recommendation: Approval of an **alternative** future land use change from LR-2 to CL-O (6-4 vote).

MOTION: To approve the request for a future land use change from LR-2 to CH-O with conditions.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

- 31. MGTS Code Rewrite Project Update

N/A

B. PLANNING DIRECTOR.

32. Sector Plan Update - Denise Malone, Project Manager

N/A

6. COMMISSION COMMENTS.

7. ADJOURNMENT.