

Karen Marcus, Chair  
Tony Masilotti, Vice Chair  
Jeff Koons  
Warren H. Newell  
Mary McCarty  
Burt Aaronson  
Addie L. Greene



Robert Weisman  
Department of Planning, Zoning & Building  
100 Australian Ave  
West Palm Beach, FL 33406  
Phone: 561-233-5200  
Fax: 561-233-5165

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

**APRIL 24, 2003**

**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

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 amendments to the Palm Beach County Unified Land Development Code, and the recommendations of the Land Use Advisory Board, Citizens Task Force, Land Development Regulation Commission, 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 24, 2003 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. Adoption of Agenda

**2. POSTPONEMENTS/ WITHDRAWALS (Pages 1-2)**

**3. CONSENT AGENDA (Pages 3-4)**

- o Staff
- o Board
- o Public

**4. REGULAR AGENDA (Pages 5-8)**

**5. DIRECTOR COMMENTS (Page 8)**

**6. COMMISSIONER COMMENTS (Page 8)**

**7. ADJOURNMENT (Page 8)**

**AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**THURSDAY APRIL 24, 2003**

**1. CALL TO ORDER**

- A. Roll Call – **9:30 A.M.**
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication – Motion to receive and file
- E. Swearing In – County Attorney
- F. Motion to Adopt Agenda

**2. POSTPONEMENTS, WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **PDD2002-037** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Ronald Mastroianni & David Moscarelli by Robert Bentz, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Approx. 330 feet west of Florida's Turnpike on the south side of Lake Worth Rd. (**MASTROIANNI MUPD**).

Page 1

Size: 9.15 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to May 22, 2003. (Petitioner requested).

- 2. **CA2002-017** Title: Resolution approving a Class A Conditional Use petition of Mackey Development by H. Burton Smith, Agent. Request: To allow a Voluntary Density Bonus. General Location: Approx. 600 feet west of Central Blvd. on the south side of Jupiter Gardens Blvd. (**MALLARDS COVE**).

Page 2

Size: 3.63 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to May 22, 2003. (Petitioner requested).

3. **EAC2001-017A** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of BP Products North America Inc. by Timothy Bauer, Agent. Request: To modify/delete a condition of approval. General Location: SW corner of 10th Ave. North and Boutwell Rd. (**10TH & BOUTWELL BP**).

Page 3

Size: 1.0 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to May 22, 2003. (Petitioner requested).

4. **Z2002-064** Title: Resolution approving an Official Zoning Map Amendment petition of G.B. Enterprises of Southwest Florida by George Gentile, ASLA, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approx. 0.5 mile east of Jog Rd. bound on the north and south by Belvedere Rd. and Southern Blvd. (**JOHNSON LINEAR PARK**).

Page 4

Size: 24.25 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to May 22, 2003. (Petitioner requested).

5. **PDD2002-028** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Fred Keller Trust by Robert Bentz, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) District to allow 3 fast food restaurants and a convenience store with gas sales (requested uses). General Location: Northwest corner of Pike Rd. and Southern Blvd. (**KELLER MUPD**).

Page 5

Size: 5.66 acres ±

BCC District: 6

MOTION: To postpone sixty (60) days to June 26, 2003. (Petitioner requested).

## B. WITHDRAWALS

**– END OF POSTPONEMENTS AND WITHDRAWALS –**

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS - CONSENT

- 6. **CA2002-054** Title: Resolution approving a Class A Conditional Use petition of Trevor & Merna Fairclough by Kevin McGinley, Agent. Request: To allow a church or place of worship. General Location: Northwest corner of Luzon Ave. and Kirk Rd. (**BETHEL CHURCH OF GOD**).

Pages 6-22

Size: 1.03 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 to allow a church or place of worship.

C. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT

- 7. **SR 1989-27A**. Status Report for Resolution R-98-1513 (Petition 1989-027A), the petition of Felix Fundora. Property owner: Limestone Private School, Inc. General Location: Approx. 147 feet north of Southern Blvd. on the east side of First St. Current zoning: Single Family Residential with a Class A Conditional Use to allow a Daycare, general (**PLANET KIDS IV**).

Pages 23-26

Size: 0.87 acres ±

BCC District: 6

MOTION: To approve a time extension until January 2, 2005, for Resolution R-98-1513 and revoke concurrency reservation 98-9000683-C.

D. STATUS REPORTS – CONSENT

- 8. **SR 1994-98.6** Status Report for Resolution R-95-1124 (Petition 1994-98), the petition of Francalby Corporation, Inc. Property owner: Francalby Corp., Inc. General Location: Approx. 200 feet east of High Ridge Rd. on the north side of Hypoluxo Rd. Current zoning: Community Commercial (**HYPOLUXO CENTER**).

Pages 27-30

Size: 2.7 acres ±

BCC District: 3

MOTION: To approve a time extension until September 10, 2003, for Resolution R-95-1124.

9. **SR 97-101.2** Status Report for Resolution R-98-408 (Petition 97-101), the petition of Polo Realty, Inc. Property owner: Polo Realty, Inc. General Location: Approx. 0.5 mile north of Clint Moore Rd. on the east side of Jog Rd. Current zoning: Planned Unit Development (**OXLEY NORTHERN PUD**).

Pages 31-33

Size: 36.95 acres ±

BCC District: 5

MOTION: To approve a time extension until September 10, 2003, for Resolution R-98-408.

**E. ADMINISTRATIVE INQUIRY – PREM**

10. **AI-2003-01** Petition # 98-41 Pratt and Orange P.O. Petition Condition 1.e. - Buildable Grade

Pages 34-36

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 PETITIONS**

11. **PDD2002-020** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of George & Dorothy Haas by Robert Bentz, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 0.25 mile south of Lake Worth Rd. on the east side of Lyons Rd. (**BERNARD HAAS PUD**).

Pages 37-67

Size: 47.96 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 6-1.

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

**C. ZONING PETITIONS**

12. **PDD2002-065** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GL Homes of Florida II Corp. by Jennifer Morton, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 0.6 mile south of Boynton Beach Blvd. on the east side of Hagen Ranch Rd. (**HAGEN ASSEMBLAGE PUD**).

Pages 68-98

Size: 225.69 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 rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving the request to abandon the special exception granted by Resolution R-89-0331 to allow a commercial sales and service enterprise of an agricultural nature.

13. **PDD2002-067** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GL Homes of Florida II Corp. by Kieran J. Kilday, Agent. Request: Rezoning from the Public Ownership (PO) and the Agricultural Reserve (AGR) Zoning Districts to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Approx. 1,400 feet south of Boynton Beach Blvd. on the east side of Lyons Rd. (**FOGG PROPERTY NORTH PUD**).

Pages 99-168

Size: 516.98 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 rezoning from the Public Ownership and the Agricultural Reserve Zoning Districts to the Agricultural Reserve Planned Unit Development District.

14. **PDD2002-068** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GL Homes of Florida II Corp. by Kieran J. Kilday, Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Approx. 1.0 mile south of Boynton Beach Blvd. and on the east side of Lyons Rd. (**FOGG PROPERTY CENTRAL PUD**).

Pages 169-222

Size: 517.15 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 rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District.

15. **PDD2002-069** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GL Homes of Florida II Corp. by Kieran J. Kilday, Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Approx. 1.5 mile south of Boynton Beach Blvd. on the east side of Lyons Rd. (**FOGG PROPERTY SOUTH PUD**).

Pages 223-289

Size: 507.56 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 rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District.

16. **DOA1997-086B** Title: Resolution approving a Development Order Amendment petition of Linton Jog Association II and III, LTD. by Charles W. Millar, Jr., Agent. Request: To reconfigure master plan. General Location: Southeast corner of Jog Rd. and Linton Blvd. (**ADDISON CENTRE**).

Pages 290-335

Size: 9.48 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 to reconfigure the master plan.

MOTION: To receive and file Declaration of Restrictions originally presented to the Board of County Commissioners in August 2002 requesting signature of the chair and filing in the official records.



**5. DIRECTOR COMMENTS**

**A. ZONING DIRECTOR**

**B. PLANNING DIRECTOR**

**17. COMMERCIAL LOW APPEAL**

Formal appeal of the Planning Division's interpretation and the Land Use Advisory Board (LUAB/LPA) determination of the Comprehensive Plan with respect to a Commercial Low Future Land Use Atlas (FLUA) designation determination. Applicant: Neil J. Gaeta, Gaeta Development Co. The site is located southwest corner of Okeechobee Blvd. and Skees Rd.

Pages 336-345

Size: 13.3 acre ±

BCC District: 2

Staff Recommendation: Accept the Planning Division Interpretation of the Comprehensive Plan.

LPA Recommendation: Accept the Planning Division Interpretation of the Comprehensive Plan.

MOTION: To accept the Planning Division Interpretation, and the LUAB/LPA Determination, of the Comprehensive Plan.

**6. COMMISSIONER COMMENTS**

**7. ADJOURNMENT**