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

**FEBRUARY 27, 2003**

**THURSDAY  
9:30 AM**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Opening Prayer and Pledge of Allegiance
  - C. Proof of Publication
  - D. Swearing In
  - E. Adoption of Agenda
  
- 2. POSTPONEMENTS/ WITHDRAWALS (Pages 1-2)**
  
- 3. CONSENT AGENDA (Pages 3-9)**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 10-11)**
  
- 5. DIRECTOR COMMENTS (Page 11)**
  
- 6. COMMISSIONER COMMENTS (Page 11)**
  
- 7. ADJOURNMENT (Page 11)**

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

**THURSDAY FEBRUARY 27, 2003**

**1. CALL TO ORDER**

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

**2. POSTPONEMENTS AND WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **PDD1998-073(4)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Herbert F. Kahlert & Karl A. Kahlert by Kieran J. Kilday, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District with a hotel/motel and a restaurant, fast food (requested uses). General Location: Southwest corner of Hagen Ranch Rd. and Boynton Beach Blvd. (**NEW ALBANY POD E**).

N/A

Size: 23.88 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to March 27, 2003 (Postponed by Zoning Commission).

- 2. **Z2002-049** Title: Resolution approving an Official Zoning Map Amendment petition of Don and Susan Delucia by Robert Bentz, Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approx. 300 feet south of Avenida Del Rio Rd. on the west side of SR 7/US 441 (**DELRAY PLAZA**).

N/A

Size: 0.91 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to March 27, 2003 (Postponed by Zoning Commission).

3. **Z1981-224A** Title: Resolution approving an Official Zoning Map Amendment petition of RPG of S. Florida by Robert Bentz, Agent. Request: Rezoning from the Specialized Commercial (CS) Zoning District to the Community Commercial (CC) Zoning District. General Location: Approx. 600 feet south of Avenida Del Rio Rd. on the west side of SR 7/US 441 (**VALENCIA CENTER**).

N/A

Size: 0.78 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to March 27, 2003 (Postponed by Zoning Commission).

4. **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 1

Size: 1.0 acres ±

BCC District: 3

MOTION: To postpone to March 27, 2003. (Petitioner requested 30 days).

5. **PDD/TDR1995-118B** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of AMKBJ Partners Ltd. by Joe Lelonek, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District with an existing commercial communication tower in the public civic tract (requested use). Title: Resolution approving a Transfer of Development Rights petition of AMKBJ Partners Ltd. by Joe Lelonek, Agent. Request: To allow the Transfer of Development Rights for 3 units and to designate this petition as the receiving area. General Location: Approx. 750 feet west of Lyons Rd. on the south side of Lantana Rd. (**LANTANA ROAD PUD**).

Page 2

Size: 62.05 acres ±

BCC District: 3

MOTION: To postpone to March 27, 2003. (Petitioner requested 30 days).

## B. WITHDRAWALS

6. **Z/DOA1985-084E** Title: Resolution approving an Official Zoning Map Amendment petition of Berean Baptist Church by John Abney, Agent. Request: Rezoning from the Residential Single Family (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District. Title: Resolution approving a Development Order Amendment petition of Berean Baptist Church by John Abney, Agent. Request: To reconfigure site plan and re-start of commencement clock. General Location: Approx. 3/8 mile west of Benoist Farms Rd. on the south side of Okeechobee Blvd. (**BEREAN BAPTIST CHURCH**).

Page 3

Size: 16.2 acres ±

BCC District: 6

MOTION: None. (Request withdrawn by petitioner.)

**- END OF POSTPONEMENTS AND WITHDRAWALS -**

**3. CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. PREVIOUSLY POSTPONED ZONING PETITIONS**

- 7. **PDD2002-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lawrence Gideon Johnson by George G. Gentile, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: SE corner of Belvedere Rd. and Florida's Turnpike. (**JOHNSON PROPERTY MUPD**)

Pages 4-32

Size: 54.6 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

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

- 8. **Z2002-044** Title: Resolution approving an Official Zoning Map Amendment petition of Bibi Enterprises Inc. by Kevin McGinley, Agent. Request: Rezoning from the Residential Medium Density (RM) Zoning District to the General Commercial (CG) Zoning District. General Location: Approx. 700 feet north of 10th Ave. North on the east side of Military Trail. (**ROYAL CENTER**)

Pages 33-54

Size: 2.07 acres ±

BCC District: 3

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 Residential Medium Density Zoning District to the General Commercial Zoning District.

9. **DOA1997-085A** Title: Resolution approving a Development Order Amendment petition of Meadowland Development Corp. by Helen LaValley, Agent. Request: To add land area, add units and to modify/delete conditions. General Location: Approx. 3,400 feet north of Gateway Blvd. bound on the east by Military Trail and the west by Haverhill Rd. (**GATEWAY GARDENS PUD**).

Pages 55-89

Size: 39.30 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 add land area, add units and to modify/delete conditions.

10. **Z2002-053** Title: Resolution approving an Official Zoning Map Amendment petition of Giardina Di Villa Palma by George Gentile, ASLA, Agent. Request: Rezoning from the Residential Medium Density (RM) Zoning District to the General Commercial (CG) Zoning District. General Location: Approx. 250 feet west of Military Trail on the north side of Northlake Blvd. (**VILLA PALMA PROFESSIONAL PARK**).

Pages 90-118

Size: 2.31 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Residential Medium Density Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone.

**C. ZONING PETITIONS – CONSENT**

11. **DOA1998-073(1)A** Title: Resolution approving a Development Order Amendment petition of Herbert F. Kahlert & Karl A. Kahlert by Kieran J. Kilday, Agent. Request: To reconfigure site plan and add square footage. General Location: Southeast corner of Boynton Beach Blvd. and Florida's Turnpike (**SHOPPES OF NEW ALBANY**).

Pages 119-150

Size: 5.48 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request to reconfigure site plan and add square footage.

12. **DOA/EAC1989-052E** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Palm Beach Aggregates by Kieran J. Kilday, Agent. Request: To modify/delete a condition of approval. General Location: Approx. 3 miles west of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. (**PALM BEACH AGGREGATES**).

Pages 151-186

Size: 4,047.96 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to modify/delete a condition of approval.

**D. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT**

13. **SR 1993-039A.2** Status Report for Resolutions R-97-2072 and R-97-2073 (Petition 1993-39A), the petition of Security Capital Atlantic, Inc. Property owner: P. A., Jr. and E. D. Peterson and Security Capital Atlantic, Inc. General Location: Approx. 0.54 mile west of Military Trail on the south side of Atlantic Ave. Current zoning: Planned Unit Development (**CAMERON PARK**).

Pages 187-190

Size: 38.58 acres "

BCC District: 5

MOTION: To approve a time extension until June 10, 2003, for Resolutions R-97-2072 and R-97-2073.

**E. STATUS REPORTS – CONSENT**

14. **SR 1977-129A** Status Report for Resolution R-2000-003 (Petition 1977-129A), the petition of Albertson's. Property owner: Herford Assoc. LTD Partnership and Gerard Arsenault TR. General Location: northeast corner of Lake Worth Rd. and Military Tr. Current zoning: General Commercial with a Special Exception for a Large Scale Shopping Center (**LAKE WORTH ALBERTSON**).

Pages 191-194

Size: 4.73 acres "

BCC District: 3

MOTION: To approve a time extension until July 10, 2003, for Resolution R-2000-003.

15. **SR 1989-27A.** Status Report for Resolution R-98-1513 (Petition 1989-27A), 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: RS-Single Family Residential with a Class A Conditional Use (CA) to allow a Daycare, general (**PLANET KIDS IV**).

Pages 195-198

Size: 0.87 acres "

BCC District: 6

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

16. **SR 1997-085.2** Status Report for Resolutions R-98-5 and R-98-6 (Petition 1997-85), 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 w/church or place of worship (requested use) and TDR for 47 units (**GATEWAY GARDENS PUD**).

Pages 199-202

Size: 2.78 acres "

BCC District: 3

MOTION: To approve a time extension until July 10, 2003, for Resolutions R-98-5 and 98-6.

17. **SR 1999-022** Status Report for Resolution R-2000-0006 (Petition 1999-022), the petition of John Humphries. Property owner: John W. Humphries. General Location: Approx. 0.5 mile north of Northlake Blvd. on the east side of Alternate A1A. Current zoning: Commercial Low Office with a Class A Conditional Use for medical/dental clinic (**HUMPHRIES DENTAL**).

Pages 203-206

Size: 0.35 acres "

BCC District: 1

MOTION: To adopt a resolution to amend conditions of approval (architectural) in Resolution R-2000-0006, and approve a time extension until July 10, 2003, to commence development.

18. **CR 1979-134A.4** Status Report for Resolution R-99-1145 (Petition 79-134(A)), the petition of Florida Childcare Properties, I.L.C. Property owner: Florida Childcare Prop I Lc. General Location: south side of Sandalfoot Blvd., 1/4 mile west of SR7/US 441. Current zoning: RM-Multiple Family (Medium Density) Residential with a Special Exception to allow a day care center. (**LEARNING EXPERIENCE**).

Pages 207-210

Size: 1.00 acre "

BCC District: 5

MOTION: To approve a time extension until July 2, 2003, to comply with condition numbers A.2., A.3., and E.3. of Resolution R-99-1145.

19. **CR 1984-005B/E8.4** Status Report for Resolution R-2000-0590 (Petition 1984-005B), the petition of United Cerebral Palsy. Property owner: United Cerebral Palsy Assn. General Location: NE corner of Coconut Rd. and 2<sup>nd</sup> Ave. North. Current zoning: Residential Single Family with a Class A Conditional Use to allow a general daycare (**UNITED CEREBRAL PALSY DAYCARE**).

Pages 211-214

Size: 3.28 acres "

BCC District: 3

MOTION: To approve a time extension until July 2, 2003, to comply with condition number E.8. of Resolution R-2000-0590.

20. **CR 1999-068** Status Report for Resolution R-2000-0582 (Petition 1999-068), the petition of Velma & Donald Buckner/J&N Properties, Inc./Martin Properties of the Palm Beaches. Property owner: Mizner Falls LLP. General Location: SE corner of Boynton Beach Blvd. and Hagen Ranch Rd. Current zoning: Planned Unit Development. (**MIZNER FALLS (AKA: EXCELSIOR PARC)**).

Pages 215-218

Size: 58.76 acres - now platted "

BCC District: 5

MOTION: To prohibit the issuance of any additional certificates of occupancy until the property owner complies with condition number E.8. of Resolution No. R-2000-0582, and to direct the Code Enforcement Division to cite the property owner for failure to comply with condition number E.8.

21. **CR 2000-005/E3** Status Report for Resolution R-2000-0720 (Petition 2000-005), the petition of Congress Venture Two, Inc. Property owner: Congress Venture Two Inc. General Location: east side of Congress Ave., 2 mile north of Belvedere Rd. Current zoning: General Commercial with a Class A Conditional Use to allow an office/warehouse (**CONGRESS BUSINESS PARK**).

Pages 219-222

Size: 2.28 acres "

BCC District: 2

MOTION: To approve a time extension until June 10, 2003, to comply with condition number E.3. of Resolution R-2000-0720.



**F. TDR CONTRACT, ESCROW AGREEMENT AND DEED**

- 22. **PDD/TDR 2002-026** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and TLH-CHURCH, for the sale and purchase of 2 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$10,399.00 per unit as approved by the Palm Beach County Board of County Commissioners on January 09, 2003 by Resolution No. R-2003-0100. Request: Approve an escrow agreement between Palm Beach County, TLH-CHURCH and Coast to Coast Title (escrow agent), for the sale and purchase of 2 TDR units from the Palm Beach County TDR Bank at a purchase price of \$10,399.00 per unit, as approved by the Palm Beach County Board of County Commissioners on January 09, 2003. (**CELEBRATION LAKE PUD**)

Pages 223-230

MOTION: To approve a contract for the sale and purchase of 2 development rights at a purchase price of \$10,399.00 per unit for a total price of \$20,798.00.

MOTION: To approve an escrow agreement for 2 development rights at a purchase price of \$10,399.00 per unit for a total price of \$20,798.00.

- 23. **PDD/TDR 2002-026** Execute a deed conveying 2 Development Rights units to TLH-CHURCH as authorized in Resolution No. R-2003-0100 which approved the purchase of 2 Development Rights from the County=s TDR Bank at a cost of \$10,399.00 per unit and the designation of the Celebration Lake PUD as a TDR Receiving Area for those units. (**CELEBRATION LAKE PUD**)

Pages 231-232

MOTION: To execute a deed conveying 2 Development Rights units to TLH-CHURCH as authorized in Resolution No. R-2003-0100.

**G. RECEIVE AND FILE ZONING COMMISSION RESOLUTIONS**

- 24. **CB2002-044**  
Resolution for Bibi Enterprises Inc. (**ROYAL CENTER**)

Pages 233-242

BCC District: 3

MOTION: To receive and file Zoning Resolution ZR-2003-002.

25. **CB1992-039A**

Resolution for Manual S. Andrade (**GLADSTONE COMMERCIAL/KARCHER CAR WASH**).

Pages 243-251

BCC District: 2

MOTION: To receive and file Zoning Resolution ZR-2003-003.

**H. CORRECTIVE RESOLUTION**

26. **DOA1997-071A**

Corrective Resolution: To correct Engineering Condition E.2 of Resolution R-2002-1957. (**HAGEN & BOYNTON OFFICE**)

Pages 252-254

BCC District: 5

MOTION: To adopt a resolution to correct Engineering Condition E.2 of Resolution R-2002-1957.

**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**

27. **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 255-282

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**

28. **DOA2001-057A** Title: Resolution approving a Development Order Amendment petition of The William Chinnick Charitable Foundation Inc. by Robert Bentz, Agent. Request: To modify/delete condition of approval and add students. General Location: Approx. 0.5 mile west of the Florida Turnpike on the north side of Boynton Beach Blvd. (**ST. JOSEPH'S**).

Pages 283-308

Size: 54.95 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, (7-0).

MOTION: To adopt a resolution approving the request to modify/delete condition(s) of approval and add students.

29. **PDD2002-052** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Agradex International Inc. by Robert Bentz, Agent. Request: Rezoning from the Residential Transitional (RT) and the Residential Estate (RE) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Northwest corner of Lyons Rd. Extension and Dillman Rd. (**AGRADEX PUD**).

Pages 309-337

Size: 158.79 acres ±

BCC District: 6

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 Residential Transitional and the Residential Estate Zoning Districts to the Residential Planned Unit Development District.

30. **Z/DOA1988-019A** Title: Resolution approving an Official Zoning Map Amendment petition of Seymour & Susan Applebaum by Anna Cottrell, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District. Title: Resolution approving a Development Order Amendment petition of Seymour & Susan Applebaum by Anna Cottrell, Agent. Request: To reconfigure site plan. General Location: Approx. 1,000 feet south of Belvedere Rd. on the west side of Benoist Farms Rd. (**BENOIST FARMS ROAD PROPERTY**).

Pages 338-357

Size: 10 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Light Industrial Zoning District.

MOTION: To adopt a resolution approving the request to reconfigure site plan.

## 5. DIRECTOR COMMENTS

### A. ZONING DIRECTOR

31. Valet Parking

(under separate cover)

### B. PLANNING DIRECTOR

## 6. COMMISSIONER COMMENTS

## 7. ADJOURNMENT