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

SEPTEMBER 17, 2003

**WEDNESDAY
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 3-6)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 7-11)**

- 5. DIRECTOR COMMENTS (Page 11)**

- 6. COMMISSIONER COMMENTS (Page 11)**

- 7. ADJOURNMENT (Page 11)**

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

WEDNESDAY, SEPTEMBER 17, 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. Motion to Adopt Agenda

2. POSTPONEMENTS, WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD2002-028** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Fred Keller Trust by Land Design South, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the Multiple Use Planned Development (MUPD) District and 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 1

Size: 5.66 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to October 23, 2003. (Postponed by Zoning Commission).

- 2. **PDD/TDR2003-013** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of E.B. Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of E.B. Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 48 units and to designate this petition as the receiving area. General Location: Approx. 1,200 feet north of Lantana Rd. on the east side of Haverhill Rd. (**BELMONT AT HAVERHILL PUD**).

Page 2

Size: 24.86 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to October 23, 2003. (Postponed by Zoning Commission).

3. **DOA1977-013P** Title: Resolution approving a Development Order Amendment petition of Wendy's of N.E. Florida, Inc., by Corporate Property Services, Inc. Request: To reconfigure site plan, add square footage, and allow a restaurant, fast food (requested use). General Location: Northwest corner of Kimberly Blvd. and SR 7/US 441 (**WENDY'S @ BOCA GREENS PUD**).

Page 3

Size: 19.64 acres ±

BCC District: 5

MOTION: To postpone sixty (60) days to December 4, 2003. (Postponed by Zoning Commission).

B. WITHDRAWALS

– END OF POSTPONEMENTS AND WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. REMAND

- 4. **CA2001-077** Title: Resolution approving a Class A Conditional Use petition of James K. Johnson, by CM Design Group, Inc. Request: To allow a general daycare. General Location: Northwest corner of Murcott Blvd. and Seminole Pratt Whitney Rd. (**PLANET KIDS IX**).

N/A

Size: 2.02 acres ±

BCC District: 6

MOTION: To remand back to the October 8, 2003 DRC meeting.

C. ZONING PETITIONS – CONSENT

- 5. **DOA2001-009A** Title: Resolution approving a Development Order Amendment petition of Weiss Group, Inc., by CH2M Hill, Audrey Huggins, Agent. Request: To allow a general daycare (requested use) within POD A and to reconfigure the parking area of a previously approved Multiple Use Planned Development. General Location: Approx. 7.5 miles west of PGA Blvd. on the west side of the Beeline Hwy. (**WEISS GROUP**).

Pages 4-24

Size: 70.97 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to allow a general daycare within POD A and to reconfigure the parking area of a previously approved Multiple Use Planned Development.

D. PREVIOUSLY POSTPONED STATUS REPORTS

- 6. **SR 1984-099F.4** Status Report for Resolution R-95-1467 (Petition 1984-099(F)), the petition of Mission Bay Plaza Associates. Property owner: Boca Mission LLC. General Location: Northwest corner of Glades Rd. and S.R. 7. Current zoning: General Commercial with a Development Order Amendment to amend condition number 9 (square footage limitation) (**MISSION BAY PLAZA**).

Pages 25-28

Size: 24.28 acres ±

BCC District: 5

MOTION: To approve a time extension until June 10, 2005, for Resolution R-95-1467.

E. STATUS REPORTS – CONSENT

7. **SR 1980-089C.5** Status Report for Resolution R-94-940 (Petition 1980-089C), the petition of Checkers Drive In Restaurants, Inc. Property owner: Lantana Square Shopping Center Ltd. General Location: Southwest corner of Lantana Rd. and Jog Rd. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development and a requested use allowing a restaurant, fast food (**LANTANA SQUARE**).

Pages 29-32

Size: 17.37 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (architectural) in Resolution R-94-940, and approve a time extension until July 28, 2005, to commence development.

8. **SR 1983-056C** Status Report for Resolutions R-91-1464 and 91-1465 (Petition 1983-056C), the petition of American Mortgage Investment, Inc. Property owner: NME Hospitals Inc., Tenet Health System Hospitals, Inc., and MH LLC. General Location: East side of State Rd. 7, 0.5 mile south of Glades Rd. Current zoning: Specialized High Commercial with a Special Exception to amend the site plan for West Boca Hospital to increase the square footage (**WEST BOCA MEDICAL CENTER**).

Pages 33-36

Size: 23.6 of 42 acres ±

BCC District: 5

MOTION: To 1) adopt a resolution to amend conditions of approval (architectural) in Resolution R-91-1465; 2) approve a time extension until July 15, 2005, to commence development; and 3) amend concurrency reservation number 91-05-24-003-C to delete concurrency for the unbuilt areas of the certified site plan [500 s.f. of office/ancillary commercial (physical therapy space), and 43,303 s.f. of hospital space].

9. **SR 1985-132.14** Status Report for Resolutions R-86-228 and 86-229 (Petition 1985-132), the petition of Robert Needle, Trustee. Property owner: Jonathan R Kaplan, Successor, Tr. General Location: Approx. 850 feet west of Congress Ave. on the south side of Lake Worth Rd. Current zoning: General Commercial with a Special Exception to allow a Planned Commercial Development.

Pages 37-40

Size: 0.5 acre ±

BCC District: 3

MOTION: To approve a time extension until July 15, 2005, for Resolutions R-86-228 and 86-229.

10. **SR 1986-134.1** Status Report for Resolutions R-87-515 and 87-516 (Petition 1986-134), the petition of Transal Corporation. Property owner: Congress Business Center Corp. General Location: Approx. 0.1 mile north of Forest Hill Blvd. on the west side of Congress Ave. Current zoning: General Commercial with a Special Exception to allow an office/warehouse combination (**CONGRESS BUSINESS CENTER**).

Pages 41-44

Size: 7.24 acres ±

BCC District: 2

MOTION: To approve a time extension until July 24, 2005, for Resolutions R-87-515 and 87-516, and to comply with condition number 2 of Resolution No. R-2003-0753.

11. **SR 1994-056** Status Report for Resolutions R-95-279, 95-280, 2002-1644 (Petitions 1994-056/1994-056A), the petitions of Ronald S. Woods, Trustee. Property owner: Ronald S. Woods, TR. General Location: Approx. 1.0 mile west of Jupiter Farms Rd. on the north side of Randolph Siding Rd. Current zoning: Agricultural Residential with a Class A Conditional Use allowing removal of excavated material in excess of 10%; (Petition 1994-056A amended conditions to delete references of excavation). (**RANDOLF OAKS (AKA WILD PALMS)**).

Pages 45-48

Size: 36.90 acres ±

BCC District: 1

MOTION: To 1) approve a time extension until July 1, 2005, for Resolutions R-95-279, 95-280, and 2002-1644, and 2) comply with condition number E.5. of Resolution No. R-2000-1644.

12. **SR 1997-034.2** Status Report for Resolution R-97-772 (Petition 1997-034), the petition of Richard Moroso. Property owner: Richard B. Moroso and Susan Moroso Strecker. General Location: Approx. 3 miles south of Indiantown Rd. on the east side of Beeline Hwy. Current zoning: Multiple Use Planned Development with an Arena (race track 3/8 mile) (**MOROSO CIRCLE TRACK**).

Pages 49-51

Size: 40 acres ±

BCC District: 1

MOTION: To 1) approve a time extension until June 23, 2005, for Resolution R-97-772; and 2) revoke concurrency number 97-00094 (3/8 mile race track).

13. **SR 1997-085.3** Status Report for Resolutions R-98-5/2003-0321 (Petition 1997-085), the petition of Meadowland Dev. Corp. Property owner: Gateway Partners LLC. 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 with church or place of worship (requested use)/Development Order Amendment to add land area, add units and to modify/delete conditions of approval (**GATEWAY GARDENS PUD**).

Pages 52-55

Size: 2.78 acres ±

BCC District: 3

MOTION: To 1) approve a time extension until July 10, 2005, for Resolutions R-98-5/2003-0321; and 2) revoke part of concurrency number 96-5111001 - the 25,000 s.f. place of worship.

14. **SR 1998-032.2** Status Report for Resolution R-98-1131 (Petition 1998-032), the petition of Harold Murphy. Property owner: Southern Waste Systems Ltd. General Location: Northeast corner of Cleary Rd. and Wallis Rd. Current zoning: Multiple Use Planned Development with Air Curtain Incinerator, Permanent (requested use) (**PALM BEACH TRANSFER AND RECYCLING**).

Pages 56-59

Size: 8.9 acres ±

BCC District: 6

MOTION: To 1) adopt a resolution to amend conditions of approval (architectural) in Resolution R-98-1131; and 2) approve a time extension until July 23, 2005, to commence development.

15. **CR 2000-090/E1** Status Report for Resolution R-2001-0819 (Petition 2000-090), the petition of Karen Padyjasek. Property owners: Advantage Asset Holdings, Inc., and Dianne D Carter. General Location: North side of Pahokee Airport. Current zoning: Multiple Family Residential (High Density) with a Class A Conditional Use to allow a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground (**SKY DIVE AMERICA**).

Pages 60-66

Size: 5.58 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (right-of-way) in Resolution R-2001-0819

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 STATUS REPORT

16. **SR 1983-018.8** Status Report for Resolution R-83-1040 and 83-1041 (Petition 1983-018), the petition of Peter I.B. Lavan and Phillip O' Connell, as Trustee. Property owner: Supertrail Mfg. Co., Inc. General Location: Approx. five (5) miles west of Beeline Hwy. on the south side of Northlake Blvd. Current zoning: Residential Estate with a Special Exception to allow a Planned Unit Development (Stonewall Estates), including an on-site sewage treatment plant (**STONEWALL ESTATES**).

Pages 67-71

Size: 340 unplatted acres of 983 acres ±

BCC District: 6

MOTION: To 1) adopt a resolution to amend conditions of approval (land use) in Resolution R-83-1041; 2) approve a time extension until April 26, 2005, to record a plat; and 3) revoke concurrency for Phase 2 of the PUD.

C. SMALL SCALE LAND USE PLAN AMENDMENTS AND ZONING PETITIONS

17. **2003-0002 SCA** Belvedere Commerce Center, LLC, by Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Industrial (IND) on 7.39 acres to Commercial High (CH). General Location: Southeast corner of Belvedere Rd. and Sansbury's Way. (**BELVEDERE COMMERCE CENTER II** a.k.a. Belvedere Commerce Center).

Pages 72-100

Size: 7.39 acres ±

BCC District: 6

Staff Recommendation: Denial of the applicant's request for a future land use change from IND to CH.

LPA Recommendation: Denial of the applicant's request for a future land use change from IND to CH, (9-2 vote).

MOTION: To deny the request for a future land use change from IND to CH.

18. **DOA1999-028B** Title: Resolution approving a Development Order Amendment petition of Belvedere Commerce Center LLC, by Basehart Planning, Inc. Request: To reconfigure master plan, redesignate land uses and reduce square footage. General Location: Southeast corner of Belvedere Rd. and Sansbury's Way (**BELVEDERE COMMERCE CENTER**).

Pages 101-132

Size: 7.39 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying the request for a Development Order Amendment to reconfigure master plan, redesignate land uses and reduce square footage.

19. **2003-0004 SCA** Dr. I. Arun, DVM, by Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) on 0.41 acres to Commercial High (CH). General Location: Southeast corner of Military Trail and Summit Blvd. (**MILITARY/SUMMIT COMMERCIAL** a.k.a. Summit Animal Hospital).

Pages 133-160

Size: 0.41 acres ±

BCC District: 2

Staff Recommendation: Denial of the applicant's request for a future land use change from MR-5 to CH.

LPA Recommendation: Denial of the applicant's request for a future land use change from MR-5 to CH, (8-4 vote).

MOTION: To deny the request for a future land use change from MR-5 to CH.

20. **Z/COZ2002-056** Title: Resolution approving an Official Zoning Map Amendment petition of J.P.B. Lemontree Plaza LLC, by Land Research Management. Request: Rezoning from the Residential Medium Density (RM) Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone (CG/COZ). General Location: Southeast corner of Military Trail and Summit Blvd. (**SUMMIT BLVD. ANIMAL HOSPITAL**).

Pages 161-183

Size: 0.41 acres ±

BCC District: 2

Staff Recommendation: Denial.

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

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

D. PREVIOUSLY POSTPONED ZONING PETITIONS

21. **DOA1978-154B** Title: Resolution approving a Development Order Amendment petition of Reichel Realty & Investments, Inc., by Chip Carlson, Agent. Request: To modify/delete conditions of approval, reconfigure site plan, add access and to abandon approval granted under DOA1978-154A. General Location: Approx. 500 feet south of Northlake Blvd. on the west side of Military Trail (**NORTHLAKE CORPORATE PARK**).

Pages 184-217

Size: 1.19 acres ± (affected area)

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to modify/delete conditions of approval, reconfigure site plan and add access.

22. **PDD2003-023** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Engle Homes by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 600 feet east of Jog Rd. on the south side of Linton Blvd. (**LINTON JOG PUD**).

Pages 218-246

Size: 15.24 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 a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

23. **DOA1994-016B** Title: Resolution approving a Development Order Amendment petition of Palm Beach County School Board by Kilday and Associates, Inc., Agent. Request: To reconfigure site plan to allow government services (requested use). General Location: Southeast corner of Jog Rd. and Northtree Blvd. (**THE SPRINGS PUD/EEE HIGH SCHOOL/PBSO**).

Pages 247-278

Size: 53.33 acres ± (affected area)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

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

24. **DOA1981-163E** Title: Resolution approving a Development Order Amendment petition of 485 Properites, LLC and WRC Properties, Inc. by Gunster Yoakley, Attorneys at Law, Agent. Request: To modify/delete conditions of approval and reconfigure site plan. General Location: Approx. 1,200 feet south of Glades Rd. on the east side of Military Trail (**BOCA CENTER**).

Pages 279-308

Size: 28.52 acres ±

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to modify/delete conditions of approval and reconfigure site plan.

E. ZONING PETITIONS

25. **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 Kilday and Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District with a restaurant, fast food (requested use). General Location: Southwest corner of Hagen Ranch Rd. and Boynton Beach Blvd. (**NEW ALBANY POE**).

Pages 309-339

Size: 23.88 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 a rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District with a restaurant, fast food.

26. **PDD2003-025** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Exit 93, LLC, by Kilday and Associates, Inc., Agent. Request: Rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) District and to allow a convenience store with gas sales, a hotel and a fast food restaurant (requested uses). General Location: Northwest corner of Florida's Turnpike and Lake Worth Rd. (**TURNPIKE PCD**).

Pages 340-367

Size: 4.58 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the General Commercial Zoning District to the Multiple Use Planned Development District and to allow a convenience store with gas sales, a hotel and a fast food restaurant.

- 5. **DIRECTOR COMMENTS**
 - A. **ZONING DIRECTOR**
 - B. **PLANNING DIRECTOR**
- 6. **COMMISSIONER COMMENTS**
- 7. **ADJOURNMENT**