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

**FEBRUARY 26, 2004**

**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 AND REMANDS (Pages 1-3)**
  
- 3. CONSENT AGENDA (Pages 4-7)**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 8-11)**
  
- 5. DIRECTOR COMMENTS (Page 11)**
  
- 6. COMMISSIONER COMMENTS (Page 11)**
  
- 7. ADJOURNMENT (Page 11)**

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

**THURSDAY, FEBRUARY 26, 2004**

**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**

**A. POSTPONEMENTS**

- 1. **CA2003-055** Title: Resolution approving a Class A Conditional Use petition of Tallahassee Drive, LLC, by ZPR, Agent. Request: To allow an Office-Warehouse. General Location: NWC of Shawnee Ave. & Tallahassee Dr. (**SHAWNEE & TALLAHASSEE OFFICE WAREHOUSE**).

Page 1

Size: .99 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to March 25, 2004 (Postponed by Zoning Commission.)

- 2. **PDD2003-033** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Communities Finance Co., by Gentile Mahoney Holloway & Assoc., Agent. Request: Rezoning from the Residential Single Family (RS) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: SWC of Donald Ross Rd. and Ellison Wilson Rd. (**PARCEL 32 PUD**).

Page 2

Size: 77.17 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to March 25, 2004. (Postponed by Zoning Commission.)

3. **Z/CA2003-039** Title: Resolution approving an Official Zoning Map Amendment petition of Benoist Land Corp. & Four Brothers Recycling, by Beril Kruger, Agent. Request: Rezoning from the Light Industrial (IL) Zoning District to the General Industrial (IG) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Benoist Land Corp. & Four Brothers Recycling, by Beril Kruger, Agent. Request: To allow a salvage or junk yard. General Location: Approx. 850 feet north of Southern Blvd. on the west side of Benoist Farms Rd. (**FOUR BROTHERS RECYCLING**).

N/A

Size: 15.55 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to March 25, 2004. (Postponed by Zoning Commission.)

4. **PDD2003-034** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lantana Farm Assoc., Inc & Lantana Farm Consultants, Inc., by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and Residential Transitional (RT) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Approx. 380 feet east of the Florida's Turnpike on the south side of Lantana Rd. (**LANTANA FARMS PUD**).

Page 3

Size: 36.2 acres ±

BCC District: 3

MOTION: To postpone sixty (60) days to April 22, 2004. (Postponed by Zoning Commission.)

5. **PDD2003-078** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lantana Farm Associates, Inc., by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District with a veterinary clinic (requested use). General Location: SEC of Lantana Rd. and Florida's Turnpike (**LANTANA FARMS MUPD**).

Page 4

Size: 3.01 acres ±

BCC District: 3

MOTION: To postpone sixty (60) days to April 22, 2004. (Postponed by Zoning Commission.)

## B. REMANDS

6. **2003-0035 SCA** Alvin E. Brooks, by Miller Land Planning Consultants. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial High – Office (CH-O). General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**BROOKS OFFICE** a.k.a. **TURTLE COVE PROFESSIONAL**).

Page 5

Size: 2.02 acres ±

BCC District: 3

MOTION: To remand to the May LUAB meeting.

7. **Z2003-040** Title: Resolution approving an Official Zoning Map Amendment petition of Alvin E. Brooks, by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial High Office (CHO) Zoning District. General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**TURTLE COVE PROFESSIONAL**).

Page 6

Size: 2.02 acres ±

BCC District: 3

MOTION: To remand to the April 14, 2004 DRO meeting.

**– END OF POSTPONEMENTS AND REMANDS –**

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS – CONSENT

- 8. **DOA/EAC1988-019B** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Seymour & Susan Applebaum by Anna S. Cottrel & Associates, Agent. Request: To add square footage. General Location: Approx. 0.2 miles south of Belvedere Rd. on the west side of Benoist Farms Rd. (**SY'S SUPPLIES**).

Pages 7-24

Size: 9.9 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to add square footage.

C. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT

- 9. **SR 1985-084C.3** Status Report for Resolution R-97-958 (Petition 1985-084C), the petition of Berean Baptist Church of West Palm Beach. Property owner: Berean Baptist Temple of West Palm Beach. General Location: Approx. 0.4 mile west of Benoist Farms Rd. on the south side of Okeechobee Blvd. Current zoning: Residential Single Family with a Special Exception to allow a church with a child daycare facility and school (**BEREAN BAPTIST TEMPLE**).

Pages 25-28

Size: 18.79 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-97-958, and approve a time extension until August 10, 2005, for Resolution R-97-958.

- 10. **SR 1998-021.2** Status Report for Resolutions R-98-1806 and R-98-1807 (Petition 1998-021), the petition of Robert Whitaker, Trustee. Property owner: A&A Electric Co., Inc.; Money, John Adair, Trustee, Linda Illsley, Trustee, Ellen Whitaker, Trustee, Robert J. Whitaker, Trustee. General Location: Approx. 0.1 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with a Class A Conditional Use to allow a professional/medical office (**CONGRESS PARK II MEDICAL CENTER**).

Pages 29-32

Size: 2.98 acres ±

BCC District: 3

MOTION: To approve a time extension until October 22, 2005, for Resolutions R-98-1806 and R-98-1807.

- 11. **SR 1998-022.2** Status Report for Resolutions R-98-1808 and R-98-1809 (Petition 1998-022), the petition of Jerry D. McCoy Trust. Property owner: Jerry D. McCoy Trustee and E. Don McCoy Trustee. General Location: Approx. 0.2 mile west of Congress Ave. on the south side of 6th Ave. South. Current zoning: Commercial Low Office with a Conditional Use A to allow a professional/medical office (**CONGRESS PARK I MEDICAL CENTER**).

Pages 33-36

Size: 3.3 acres ±

BCC District: 3

MOTION: To approve a time extension until October 22, 2005, for Resolutions R-98-1808 and R-98-1809.

**D. STATUS REPORTS – CONSENT**

- 12. **SR 80-211B.9** Status Report for Resolution R90-51 (Petition 1980-211B), the petition of Military Trail Bakery Center. Property owner: Joyce A. Kjellgren. General Location: Approx. 0.2 mile south of Melaleuca Ln. on the east side of Military Tr. Current zoning: General Commercial with a Special Exception to permit a wholesale bakery (**MILITARY TRAIL BAKERY CENTER**).

Pages 37-39

Size: 1.3 acres ±

BCC District: 3

MOTION: To approve a time extension until January 2, 2006, for Resolution R-90-51.

- 13. **SR 1986-062B.3** Status Report for Resolution R-97-8 (Petition 1986-062B), the petition of M. Trail, Inc. Property owner: Howell Garolsky and Doree Garolsky. General Location: Approx. 0.25 mile south of Cresthaven Blvd. on the west side of Military Tr. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development including a self-storage facility and vehicle rental (requested uses) (**MATTHEWS MINI STORAGE**).

Pages 40-43

Size: 3.94 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (DRO) in Resolution R-97-8, and approve a time extension until January 6, 2006, for Resolutions R-97-8.

- 14. **SR 1996-089.3** Status Report for Resolution R-97-15 (Petition 1996-089), the petition of Sprint Spectrum L.P. Property owner: Stanley T. Vorsteg II, et. al. General Location: Approx. 500 feet south of Okeechobee Blvd. on the west side of Folsom Rd. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a commercial communication tower (150 feet) (**FOLSOM ROAD TOWER**).

Pages 44-46

Size: 10.0 acres ±

BCC District: 6

MOTION: To approve a time extension until January 6, 2006, for Resolution R-97-15.

- 15. **CR 1999-028B/E2** Status Report for Resolution R-2003-1397 (Petition 1999-028B), the petition of Belvedere Commerce Center LLC. Property owner: Belvedere Commerce Center, LLC. General Location: SE corner of Belvedere Rd. and Sansbury's Way. Current zoning: Multiple Use Planned Development. **(BELVEDERE COMMERCE CENTER).**

Pages 47-50

Size: 8.79 acres ±

BCC District: 6

MOTION: To approve a time extension until June 1, 2004, to comply with condition number E.2. of Resolution R-2003-1397.

- 16. **CR 1999-084/B1** Status Report for Resolution R-2000-0581 (Petition 1999-084), the petition of Apostolic Ministries International. Property owner: Apostolic International Ministries, Inc. General Location: Approx. 900 feet east of "E" Rd. on the north side of Okeechobee Blvd. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a church **(JESUS OUR SAVIOR CHURCH).**

Pages 51-54

Size: 4.87 acres ±

BCC District: 6

MOTION: To direct Code Enforcement to cite property owner for failure to comply with condition number B.1. of Resolution R-2000-0581.

**E. TERMINATION OF DECLARATION OF RESTRICTIONS**

- 17. [Termination of Declaration of Restrictions](#) (Abbey Park)

Pages 55-59

**F. NORTHLAKE TASK FORCE INTERLOCAL AGREEMENT**

- 18. [Northlake Task Force Interlocal Agreement](#)

Pages 60-68

**Motion and Title: Staff recommends motion to approve:** the third amended and restated interlocal agreement between the Village of North Palm Beach, City of Palm Beach Gardens, and Palm Beach County.

**G. CORRECTIVE RESOLUTIONS**

- 19. **PDD2003-025**

Corrective Resolution: To correct legal description and Engineering Conditions of E.1.a and E.1.b of Resolution R-2003-1768. **( LAKE WORTH ROAD/TURNPIKE MUPD)**

Pages 69-71

BCC District: 6

MOTION: To adopt a resolution to correct legal description and Conditions E.1.a and E.1.b of Resolution R-2003-1768.

**H. ABANDONMENT RESOLUTIONS**

- 20. **ABN2000-050** Abandonment Resolution: To abandon a Class A Conditional Use to allow a private school granted under Resolution R-2000-1943 (**HANDS ON LEARNING CENTER**).

Pages 72-74

BCC District: 6

MOTION: To adopt a resolution approving the abandonment of a Class A Conditional Use to allow a private school granted under Resolution R-2000-1943.

- 21. **ABN1979-134** Abandonment Resolution: To abandon the Special Exception to allow a daycare granted under Resolution R1979-0925; and to abandon the Development Order Amendment to amend the site plan for a daycare center and to increase capacity to 134 children granted under Resolution R1990-1431; and to abandon the Development Order Amendment to Revoke the part of the Special Exception which increased the capacity of a daycare center to a maximum of 134 children and amended conditions of approval of R-1990-1431 granted under Resolution R-1999-1145 for Status Report SR1979-134A.5; and to abandon the amended conditions of approval of R-1999-1145 granted under Resolution R-2001-1356 for Status Report CR1979-134A. (**DAVID STEPHANIE ACADEMY**)

Pages 75-77

BCC District: 5

MOTION: To adopt a resolution approving the abandonment of the Special Exception to allow a daycare granted under Resolution R-1979-0925; and To abandon the Development Order Amendment to amend the site plan for a daycare center and to increase capacity to 134 children granted under Resolution R1990-1431; and to abandon the Development Order Amendment to Revoke the part of the Special Exception which increased the capacity of a daycare center to a maximum of 134 children and amended conditions of approval of R-1990-1431 granted under Resolution R-1999-1145 for Status Report SR1979-134A.5; and to abandon the amended conditions of approval of R-1999-1145 granted under Resolution R-2001-1356.

**I. RECEIVE AND FILE ZONING COMMISSION RESOLUTION**

- 22. **CB2003-040**

Resolution for Alvin E. Brooks (**TURTLE COVE PROFESSIONAL**)

Pages 78-82

MOTION: To receive and file Zoning Resolution ZR2003-004.

**– END OF CONSENT AGENDA –**

**– START OF REGULAR AGENDA –**

**4. REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. PREVIOUSLY POSTPONED SMALL SCALE LAND USE PLAN AMENDMENTS AND ZONING PETITIONS**

23. **2002-0012 SCA** Brian Tuttle, by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) to Commercial Low-Office (CL-O). General Location: Approx. 330 feet west of Florida's Turnpike on the south side of Lake Worth Rd. **(LAKE WORTH/TURNPIKE WEST a.k.a. MASTROIANNI PROPERTY)**.

Pages 83-106

Size: 9.15 acres  $\pm$

BCC District: 6

Staff Recommendation: Denial of the requested future land use change from LR-2 to CL-O.

LPA Recommendation: Approval of a future land use change from LR-2 to CL-O, with a condition limiting the uses to office only (5-3 vote).

MOTION: To deny the request for a future land use change from LR-2 to CL-O.

24. **PDD2002-037** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Ronald Mastroianni & David Moscarelli, by Land Design South, 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)**.

Pages 107-132

Size: 9.15 acres  $\pm$

BCC District: 6

Staff Recommendation: Denial.

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

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

**C. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION**

25. **SCA 2004-00001** Milton D. Oliphant, Trustee and CBS, Inc., by David Carpenter, David L. Carpenter & Associates Small Scale Land Use Amendment (SCA): Amend land use from Commercial High, with an underlying 8 units per acre (CH/8) on 5.73 acres to Economic Development Center, with an underlying 8 units per acre (EDC/8). General Location: Approx. 350 feet NW of the intersection of Military Tr. and Summit Blvd. (**SUMMIT PINES INDUSTRIAL** a.k.a. **SUMMIT PINES**)

Pages 133-156

Size: 5.73 acre ±

BCC District: 2

Staff Recommendation: Approval of the requested future land use change from CH/8 to EDC/8.

LPA Recommendation: Approval of the applicant's request for a future land use change from CH/8 to EDC/8 (9-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from CH/8 to EDC/8.

26. **Z2003-065** Title: Resolution approving an Official Zoning Map Amendment petition of Jason Ackner, CBS, Inc., by David L. Carpenter & Associates, Agent. Request: Rezoning from the Community Commercial (CC) and Residential Medium Density (RM) Zoning Districts to the Light Industrial (IL) Zoning District. General Location: Approx. 350 feet NW of the intersection of Military Tr. and Summit Blvd. (**SUMMIT PINES**).

Pages 157-178

Size: 5.73 acres ±

BCC District: 2

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 Community Commercial and Residential Medium Density Zoning Districts to the Light Industrial Zoning District with a Conditional Overlay Zone.

**D. PREVIOUSLY POSTPONED ZONING PETITION**

27. **DOA1996-004C** Title: Resolution approving a Development Order Amendment petition of Lake Worth Self-Storage Ltd. Partnership, by Gentile, Mahoney, Holloway & Assoc., Agent. Request: To reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval. General Location: Approx. 525 ft. west of the Florida's Turnpike on the north side of Lake Worth Rd. **(LAKE WORTH SELF STORAGE)**.

Pages 179-212

Size: 17.28 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 to reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval.

**E. ZONING PETITIONS**

28. **Z/CA2003-031** Title: Resolution approving an Official Zoning Map Amendment petition of S.E.C of SDA Corp for Bethanie SDA Church, by Jack Potrekus, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional Suburban (RTS) Zoning District. Title: Resolution approving a Class A Conditional Use petition of S.E.C of SDA Corp for Bethanie SDA Church, by Jack Potrekus, Agent. Request: To allow a church or place of worship. General Location: Approx. 0.25 mile north of LeChalet Blvd. on the west side of Military Trail. **(BETHANIE SDA CHURCH)**.

Pages 213-232

Size: 3.95 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 4-2.

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

MOTION: To adopt a resolution approving the request to allow a church or place of worship.

29. **DOA1989-052F** Title: Resolution approving a Development Order Amendment petition of Palm Beach Aggregates, Inc., by Carlton Fields, PA, Agent. Request: To modify conditions of approval. General Location: Approx. 3 miles west of Seminole Pratt Whitney Rd. on the north side of Southern Blvd. (**PALM BEACH AGGREGATE HYDRO-STORAGE**).

Pages 233-297

Size: 4047.96 acres ±

BCC District: 6

Staff Recommendation: Approval , subject to conditions.

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

MOTION: To adopt a resolution approving the request to modify conditions of approval.

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