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

**JUNE 16, 2004**

**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 1-3)**
  
- 3. CONSENT AGENDA (Pages 4-7)**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 8-10)**
  
- 5. DIRECTOR COMMENTS (Page 10)**
  
- 6. COMMISSIONER COMMENTS (Page 10)**
  
- 7. ADJOURNMENT (Page 10)**

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

**WEDNESDAY, JUNE 16, 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/WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **Z/DOA/CA1988-006A** Title: Resolution approving an Official Zoning Map Amendment petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: Rezoning from the Single Family Residential (RS) and Specialized Commercial (CS) Zoning Districts to the Commercial Low Office (CLO) Zoning District. Title: Resolution approving a Development Order Amendment petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: To add land area and add square footage. Title: Resolution approving a Class A Conditional Use petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: To allow medical office use. General Location: Approx. 300 feet west of Ohio Rd. on the south side of Lake Worth Rd. (**ROMANELLI OFFICE EXPANSION**).

Page 1

Size: 1.36 acres ±

BCC District: 6

MOTION: None required (by right postponement to July 22, 2004).

- 2. **CA/DOA1986-064B** Title: Resolution approving a Class A Conditional Use petition of Holy Spirit Lutheran Church, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To allow a private school. Title: Resolution approving a Development Order Amendment petition of Holy Spirit Lutheran Church, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To reconfigure site plan and add square footage. General Location: Approx. 0.6 mile south of Donald Ross Rd. on the west side of Ellison Wilson Rd. (**HOLY SPIRIT LUTHERAN CHURCH**).

Page 2

Size: 5.25 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to July 22, 2004 (petitioner requested).

3. **PDD2004-014** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Gordon WPB, Inc., 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. 4,400 feet west of Haverhill Rd. on the south side of Belvedere Rd. (**FAIRWAY LAKE PUD**).

N/A

Size: 31.22 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to July 22, 2004 (postponed by the Zoning Commission).

4. **PDD2003-085** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Simsational Homes, LLC, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 0.5 mile south of Lake Ida Rd. on the west side of Sims Rd. (**ASPEN GLEN PUD**).

N/A

Size: 11.85 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to July 22, 2004 (postponed by the Zoning Commission).

5. **AI-2004-02** Palm Beach Park of Commerce

N/A

MOTION: To postpone thirty (30) days to July 22, 2004.

6. **SR 1999-077** Status Report for Resolution R-2000-1234 (Petition 1999-077), the petition of Arthur Leibovit/Helen Godfriend/Irving Denmark. Property owner: Weldon Townhouse Limited. General Location: Approx. 375 feet east of SR 7/US441 on the south side of Okeechobee Blvd. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 3-6

Size: 40 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to July 22, 2004.

7. **SR 1996-062B** Status Report for Resolutions R-2001-150 and R-2001-148 (Petition 1996-062B), the petition of American Heritage School of Boca Delray, Inc. and William R. Laurie. Property owner: American Heritage School of Boca Delray, Inc. General Location: Approx. 1,300 feet east of Jog Rd. on the south side of Linton Blvd. Current zoning: Residential Single Family with a Conditional Use A for a private school and daycare. (**AMERICAN HERITAGE SCHOOL**).

Pages 7-10

Size: 33.72 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to July 22, 2004.

8. **SR 1997-096.3** Status Report for Resolution R-98-424 (Petition 1997-096), the petition of Theodore and Gertrude Winsberg. Property owner: Theodore and Gertrude Winsberg. General Location: Approx. 2.5 miles north of West Atlantic Ave. on the west side of Jog Rd. Current zoning: Multiple Use Planned Development District (**WINSBERG FARM MUPD**).

Pages 11-13

Size: 81.83 acres ±

BCC District: 5

MOTION: To postpone sixty (60) days to August 26, 2004.

9. **SR 2000-091** Status Report for Resolution R-2001-0612 (Petition 2000-091), the petition of Frank Rainer, Ann Throgmorton and St. Herman's Orthodox Church. Property owner: St. Herman Orthodox Church, Inc. General Location: Approx. 0.25 mile west of Military Trail on the south side of Hypoluxo Rd. Current zoning: Multiple Use Planned Development with fast food restaurant (**HYPOLUXO SQUARE**).

Pages 14-17

Size: 0.92 acres ±

BCC District: 3

MOTION: To postpone ninety (90) days to September 23, 2004.

**B. WITHDRAWALS:**

10. **SR 1999-011** Status Report for Resolution R-2000-0575 (Petition 1999-011), the petition of Everglades Farm Equipment Co. Property owner: Everglades Farm Equipment Co. General Location: Approx. 800 feet east of "F" Rd. on the north side of Southern Blvd. Current zoning RSER - Rural Services (**EVERGLADES FARM EQUIPMENT**).

Pages 18-21

Size: 22.12 acres ±

BCC District: 6

MOTION: None required.

**– END OF POSTPONEMENTS/WITHDRAWALS –**

### 3. CONSENT AGENDA

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

#### B. ZONING PETITIONS

11. **Z2003-094** Title: Resolution approving an Official Zoning Map Amendment petition of Mark A. & Susan L. Reinhold, by Boose, Casey, Ciklin, Lubitz, Martens, et al, Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District. General Location: Approx. 1,000 feet south of Church St. on the east side of Limestone Creek Rd. (**LIMESTONE CREEK RESIDENTIAL**).

Pages 22-41

Size: 1.64 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 rezoning from the Residential High Density Zoning District to the Single Family Residential Zoning District with a Conditional Overlay Zone.

12. **Z2004-016** Title: Resolution approving an Official Zoning Map Amendment petition of PBC Facilities Development & Operations, by Melanie Borkowski, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: SWC of Randolph Siding Rd. and Jupiter Farms Rd. (**JUPITER FARMS COMMUNITY PARK EXPANSION**).

Pages 42-57

Size: 36.83 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To approve the request for a rezoning from the Agricultural Residential Zoning District to the Public Ownership Zoning District on first hearing, and convene a second public hearing on July 22, 2004 at 9:30 a.m.

13. **DOA/EAC2004-224** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of YMCA of Boca Raton, by LGS, Agent. Request: To modify/delete conditions of approval. General Location: Approx. 600 feet north of Palmetto Rd. on the west side of Toledo Rd. (**YMCA OF BOCA RATON**).

Pages 58-76

Size: 15.0 acres ±

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

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

14. **DOA1992-014B** Title: Resolution approving a Development Order Amendment petition of New Hope Power Partnership, by Gary Brandenburg, PA, Agent. Request: To add land area, reconfigure site plan and modify/delete conditions of approval. General Location: Approx. 2 miles west of US 27 and 3 miles south of Bolles Canal (**KEELANTA CO-GEN FACILITY**).

Pages 77-103

Size: 82.12 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: This request meets Comprehensive Plan and ULDC criteria to permit this increase in square footage and land area to this non-residential use in this area.

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

15. **Z/DOA1991-042A** Title: Resolution approving an Official Zoning Map Amendment petition of Faith United Methodist Church of Boynton Beach, FL, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District. Title: Resolution approving a Development Order Amendment petition of Faith United Methodist Church of Boynton Beach, FL, by Miller Land Planning Consultants, Inc., Agent. Request: To add square footage and reconfigure site plan. General Location: Approx. 0.25 mile east of Jog Rd. on the south side of Boynton Beach Blvd. (**FAITH UNITED METHODIST CHURCH**).

Pages 104-130

Size: 10.18 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 Single Family Residential Zoning District.

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

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

16. **SR 1986-114B.3** Status Report for Resolution R-97-148 (Petition 1986-114B), the petition of Summit Christian School. Property owner: Summit Christian School of Palm Beach County. General Location: SEC of Haverhill Rd. and Summit Blvd. Current zoning: RM-Multi Family Residential with a Special Exception to allow a private educational institution (including a day care facility) (**SUMMIT CHRISTIAN SCHOOL**).

Pages 131-134

Size: 18.16 acres ±

BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval (TPS) in Resolution R-97-148, and approve a time extension until August 10, 2005, for Resolution R-97-148.

**D. STATUS REPORTS – CONSENT**

17. **SR 1984-173C.3** Status Report for Resolution R-2002-0834 (Petition 1984-173C), the petition of Medina L.L.C. Property owner: William P. & Catherine A. Tyson. General Location: Approx. 0.1 mile east of Tallahassee Dr. on the south side of Westgate Ave. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development including vehicle sales and rental service, an auto service station (with major repairs), and an auto paint and body shop (**WESTWARD AUTO SERVICE PCD**).

Pages 135-138

Size: 1.2 acres ±

BCC District: 2

MOTION: To adopt a resolution to revoke Resolution R-2002-0834.

18. **SR 1998-058.2** Status Report for Resolution R-99-0706 (Petition 1998-058), the petition of Hovsons, Inc. Property owner: Melrose Land Holding Enterprises, Inc. General Location: Approx. 1 mile south of Hypoluxo Rd. on the east side of Florida's Turnpike and the LWDD L-20 Canal. Current zoning: Residential Transitional Suburban (**MELROSE EAST REZONING**).

Pages 139-141

Size: 12.73 acres ±

BCC District: 3

MOTION: To approve a time extension until April 22, 2006, for Resolution R-1999-0706.

19. **CR 2002-020/E7** Status Report for Resolution R-2003-0561 (Petition 2002-020), the petition of George & Dorothy Haas & Edward Bernard. Property owner: Haas Properties LLC and Edward Bernard. General Location: Approx. 0.25 mile south of Lake Worth Rd. on the east side of Lyons Rd. Current zoning: Residential Planned Unit Development (**BERNARD HAAS PUD**).

Pages 142-145

Size: 47.96 acres ±

BCC District: 6

MOTION: To approve on first reading and grant permission to advertise a second public hearing on July 22, 2004, for a rezoning from the Residential Planned Unit Development Zoning District to the Agricultural Residential Zoning District.

**– END OF CONSENT AGENDA –**



– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED STATUS REPORT

20. **SR 1983-018.8** Status Report for Resolutions R83-1040 and R83-1041 (Petition 1983-018), the petition of Peter I.B. Lavan and Phillip O' Connell, as Trustee. Property owner: Yvonne E. Campbell, TR. and PGA National Golf Club and Sports Center, Inc. General Location: Approx. 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, including an on-site sewage treatment plant (**STONEWALL ESTATES PUD**).

Pages 146-151

Size: 84.33 unplatted acres ±  
in the 610.22 acre Phase 1  
(Phases 1 and 2 total 963 acres)

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (density) in Resolution R-83-1041, and approve a time extension until November 28, 2005, for Resolutions R-83-1040 and R-83-1041.

C. PREVIOUSLY POSTPONED ZONING PETITIONS

21. **DOA1998-032A** Title: Resolution approving a Development Order Amendment petition of Southern Waste Systems, Ltd., by Sara Lockhart, Agent. Request: To modify/delete conditions of approval for a MUPD with a permanent air curtain incinerator. General Location: NEC of Cleary Rd. and Wallis Rd. (**PALM BEACH TRANSFER & RECYCLING**).

Pages 152-185

Size: 8.75 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 to modify/delete conditions of approval.

**D. ZONING PETITIONS**

22. **DOA/EAC2004-226** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Jean M. Burns, by Land Research Management, Agent. Request: To allow a veterinary clinic (requested use). General Location: Approx. 1,000 feet west of Military Tr. on the north side of LeChalet Blvd. (**BURNS ANIMAL HOSPITAL @ LECHALET SHOPPING CENTER**).

Pages 186-205

Size: 7.39 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request to allow a veterinary clinic.

23. **PDD/TDR2003-045** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of EB Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and Residential Transitional Suburban (RTS) Zoning Districts to the Residential Planned Unit Development (PUD) District with an Optional Residential (OR) Pod. Title: Resolution approving a Transfer of Development Rights petition of EB Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 36 units and to designate this petition as the receiving area. General Location: Approx. 0.75 mile north of Gateway Blvd. on the west side of Military Tr. (**COLONY LAKES PUD**).

Pages 206-235

Size: 37.01 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 abandonment of a Class A Conditional Use to allow a church or place of worship and a general daycare granted by Resolutions R-2002-2199 and R-2003-0112.

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow the parking of one (1) mobile home as a temporary residence granted by Resolution R-80-0518.

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

MOTION: To adopt a resolution approving the request to allow the Transfer of Development Rights for 36 units and to designate this petition as the receiving area.

24. **Z/DOA1987-033C** Title: Resolution approving an Official Zoning Map Amendment petition of Family, Inc., Palm Beaches & SSAB Florida Co., LLC, by Land Design South, Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the General Commercial (CG) Zoning District. Title: Resolution approving a Development Order Amendment petition of Family, Inc., Palm Beaches & SSAB Florida Co., LLC, by Land Design South, Agent. Request: To reconfigure site plan, add square footage, and modify/delete conditions of approval. General Location: SWC of Westgate Ave. and Congress Ave. (**CONGRESS AUTO PARK**).

Pages 236-268

Size: 1.73 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow commercial new and used automobile, truck, boat, motorcycle, mobile home, recreational vehicle sales and rental and repair facilities and lots granted by Resolution R-87-1122-A.

MOTION: To adopt a resolution approving the request for a rezoning from the Residential High Density Zoning District to the General Commercial Zoning District.

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

## 5. DIRECTOR COMMENTS

### A. PLANNING DIRECTOR

### B. ZONING DIRECTOR

25. **Flood Damage Protection Ordinance**

Pages 269-299

MOTION: To approve an ordinance of the Board of County Commissioners of Palm Beach County, Florida, titled Palm Beach County Flood Damage Prevention Ordinance; repealing ordinance 88-3; providing findings of fact; providing for a statement of objectives; providing for methods of reducing flood losses; providing for definitions; providing for general provisions; providing for administration; providing for provisions for flood damage prevention; providing for grading and earth fill restrictions; providing for appeal and variance procedures; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the ULDC; and providing for an effective date.

## 6. COMMISSIONER COMMENTS

## 7. ADJOURNMENT