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**BOARD OF COUNTY COMMISSIONERS
SEPTEMBER/OCTOBER ZONING MEETING
AGENDA INDEX**

OCTOBER 28, 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/WITHDRAWALS (Pages 1-2)**

- 3. CONSENT AGENDA (Pages 3-13)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 14-20)**

- 5. DIRECTOR COMMENTS (Page 20-21)**

- 6. COMMISSIONER COMMENTS (Page 21)**

- 7. ADJOURNMENT (Page 21)**

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

OCTOBER 28, 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. **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 the site plan and add square footage for a Special Exception to allow a church or place of worship. General Location: Approximately 0.6 mile south of Donald Ross Road on the west side of Ellison Wilson Road (**HOLY SPIRIT LUTHERAN CHURCH**).

Page 1

Size: 5.25 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to November 18, 2004 (Petitioner requested).

- 2. **Z2004-225** Title: Resolution approving an Official Zoning Map Amendment petition of Palm Beach County, by PBC Facilities Development & Operations, Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Multifamily Residential (RM) Zoning Districts to the Public Ownership (PO) Zoning District. General Location: Southwest corner of Lake Worth Road and Coconut Road (**MID-COUNTY CENTER**).

N/A

Size: 12.88 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to November 18, 2004 (Postponed by Zoning Commission).

3. **Z/CA/TDR2003-086** Title: Resolution approving an Official Zoning Map Amendment petition of ZHK LLC, by Urban Design Studio, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution approving a Class A Conditional Use petition of ZHK LLC, by Urban Design Studio, Agent. Request: To allow the Transfer of Development Rights for 18 units and to designate this petition as the receiving area. General Location: Approximately 3,000 feet south of Hypoluxo Road and one mile west of Military Trail (**BOYNTON GOLF ESTATES**).

N/A

Size: 8.78 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to November 18, 2004 (Postponed by Zoning Commission).

4. **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 the 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 to a Special Exception to permit a Planned Office Business Park. Title: Resolution approving a Class A Conditional Use petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: To allow a medical office. General Location: Approximately 300 feet west of Ohio Road on the south side of Lake Worth Road (**ROMANELLI OFFICE EXPANSION**).

N/A

Size: 1.36 acres ±

BCC District: 6

MOTION: To postpone sixty (60) days to January 6, 2005 (Postponed by Zoning Commission).

5. **CA/TDR2004-012** Title: Resolution approving a Class A Conditional Use petition of Gulfstream Square LLC, by Barretta & Associates, Agent. Request: To allow the Transfer of Development Rights for 9 units and to designate this petition as the receiving area. General Location: Approximately 1,200 feet south of Lake Worth Road on the west side of Gulfstream Road (**GULFSTREAM SQUARE**).

Page 2

Size: 2.46 acres ±

BCC District: 3

MOTION: To postpone sixty (60) days to January 6, 2005 (Petitioner requested).

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

N/A

MOTION: To postpone thirty (30) days to November 18, 2004.

7. **SR 1989-132.9** Status Report for Resolutions R-1990-858 and R-1990-859 (Petition 1989-132), the petition of Sami, Roni, and Rozanne Sehayik. Property owner: Sami, Roni and Rozanne Sehayik. General Location: Northeast corner of S.R. A1A and Richard Road. Current zoning: Specialized Commercial with a Special Exception to permit a Planned Office Business Park, including a restaurant and lounge (**SEHAYIK CENTRE PCD**).

Pages 3-6

Size: 1.9 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to November 18, 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: Approximately 2.5 miles north of West Atlantic Avenue on the west side of Jog Road. Current zoning: Multiple Use Planned Development District (**WINSBERG FARM MUPD**).

Pages 7-9

Size: 15 acres ±

BCC District: 5

MOTION: To postpone sixty (60) days to January 6, 2005.

B. WITHDRAWALS:

9. **SR 1997-068** Status Report for Resolutions R-97-1586 and R-97-1587 (Petition 1997-068), the petition of Chabad Lubavitch Temple. Property owner: Chabad Lubavitch Boynton, Inc. General Location: Approximately 0.7 mile south of Boynton Beach Boulevard on the west side of El Clair Ranch Road. Current zoning: Single Family Residential with a Class A Conditional Use to allow a church or place of worship and a Class A Conditional Use to allow a general day center (50 children) (**CHABAD LUBAVITCH TEMPLE & DAYCARE**).

Page 10

Size: 2.37 acres ±

BCC District: 5

MOTION: None required.

– END OF POSTPONEMENTS/WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS

10. **DOA2004-294** Title: Resolution approving a Development Order Amendment petition of DR Horton, by Julian Bryan & Associates, Agent. Request: To modify a condition of approval for a Residential Planned Unit Development. General Location: Approximately 660 feet south of Belvedere Road on the west side of Jog Road (**JOHNSON PUD**).

Pages 11-44

Size: 181.79 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to modify a condition of approval for a Residential Planned Unit Development.

11. **Z/COZ2004-303** Title: Resolution approving an Official Zoning Map Amendment petition of John Kelleher. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ). General Location: Southwest Corner of Ranches Road and Saddle Road (**KELLEHER REZONING**).

Pages 45-58

Size: 4.41 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

12. **Z/COZ2003-089** Title: Resolution approving an Official Zoning Map Amendment petition of Pine Run Developers, LLC, by Joseph Kaller & Associates, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 1,000 feet west of Haverhill Road on the north side of Melaleuca Lane (**PINE RUN TOWNHOMES**).

Pages 59-76

Size: 9.63 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multifamily Residential Zoning District with a Conditional Overlay Zone.

13. **Z2004-006** Title: Resolution approving an Official Zoning Map Amendment petition of Joseph E. Melchior III, by Ralph Purvis, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the General Industrial (IG) Zoning District. General Location: Northeast corner of Belvedere Road and Skees Road (**JEM INTERPRISES**).

Pages 77-90

Size: 2.36 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the General Industrial Zoning District.

14. **Z/COZ2004-005** Title: Resolution approving an Official Zoning Map Amendment petition of Evelyn Paray, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 600 feet south of Melaleuca Lane on the east side of Haverhill Road (**GOFFE SUBDIVISION**).

Pages 91-102

Size: 4.03 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

15. **Z2004-346** Title: Resolution approving an Official Zoning Map Amendment petition of Palm Beach County, by PBC Facilities Development & Operations, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 1,760 feet west of 180th Avenue North on the south side of Hamlin Boulevard (**DISTRICT PARK "F"**).

Pages 103-119

Size: 60 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To recommend approval of an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Public Ownership Zoning District on first hearing, and convene a second public hearing on November 18, 2004 at 9:30 a.m.

16. **Z/CA2004-220** Title: Resolution approving an Official Zoning Map Amendment petition of Thelma B. Pittman, Jupiter Pre-School, Inc., by William R. Upthegrove, Architect & Planner, Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the Single Family Residential (RS) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Thelma B. Pittman, Jupiter Pre-School, Inc., by William R. Upthegrove, Architect & Planner, Agent. Request: To allow a daycare, general. General Location: Approximately 200 feet north of Palmetto Street on the west side of Cinquez Park Road West (**PITTMAN PRE-SCHOOL**).

Pages 120-133

Size: .89 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Residential High Density Zoning District to the Single Family Residential Zoning District.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a daycare, general.

CONSENT AGENDA

- 17. **PDD2004-022** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of City National Bank of Florida, Trustee, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) and the Preservation/Conservation (PC) Zoning Districts to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Development Area - approximately 0.5 mile north of Clint Moore Road on the east and west side of Lyons Road. Preserve Area - 2 miles west of State Road 7/U.S. 441 on the south side of Lantana Road (**APPOLONIA FARMS PUD**).

Pages 134-171

Size: 1,528.73 acres ± BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Reserve and the Preservation Conservation Zoning Districts to the Agricultural Reserve Planned Unit Development District.

- 18. **CA2003-103** Title: Resolution approving a Class A Conditional Use petition of Kings Point Housing Corp., by Kilday & Associates, Inc., Agent. Request: To allow accessory commercial development (real estate sales office) in a clubhouse. General Location: Southwest corner of West Atlantic Avenue and Jog Road (**KINGS POINT CLUBHOUSE & REC AREA REAL ESTATE OFFICE**).

Pages 172-185

Size: 23.73 acres ± BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow accessory commercial development in a clubhouse.

- 19. **DOA1999-037A** Title: Resolution approving a Development Order Amendment petition of Apostolic Church of Jesus Christ of Belle Glade, by Christian Life Center of the Palm Beaches, Inc., Agent. Request: To delete a condition of approval for a Class A Conditional Use to allow a church or place of worship and a daycare, general. General Location: Approximately 750 feet east of Seminole Pratt Whitney Road on the north side of Southern Boulevard (**LOXAHATCHEE CLC**).

Pages 186-201

Size: 4.93 acres ± BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to delete a condition of approval for a Class A Conditional Use to allow a church or place of worship and a daycare, general.

20. **PDD/R/TDR2004-008** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of EH Building Group, by Julian Bryan & Associates, Agent. Request: Rezoning from the Single Family Residential (RS) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use petition of EH Building Group, by Julian Bryan & Associates, Agent. Request: To allow the Transfer of Development Rights for 29 units and to designate this petition as the receiving area. General Location: Approximately 0.25 mile west of Haverhill Road on the north side of Summit Boulevard (**WYNDAM II PUD**).

Pages 202-224

Size: 18.62 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Single Family Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving a Requested Use to allow the Transfer of Development Rights for 29 units and to designate this petition as the receiving area.

21. **Z/COZ2004-354** Title: Resolution approving an Official Zoning Map Amendment petition of Coconut Partners, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ). General Location: Southwest corner of Barwick Road and Coconut Lane (**COCONUT LANE PROPERTY**).

Pages 225-242

Size: 6.95 acres ±

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

22. **EAC2004-483** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration petition of Tuyet Payne, by Basehart Consulting, Inc., Agent. Request: To modify conditions of approval for a Class A Conditional Use to allow a private mausoleum. General Location: Approximately 4,400 feet north of Okeechobee Boulevard on the west side of "D" Road (**MERKERT FAMILY MAUSOLEUM**).

Pages 243-260

Size: 1.0 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving a Development Order Amendment to modify conditions of approval for a Class A Conditional Use to allow a private mausoleum.

23. **CA2004-024** Title: Resolution approving a Class A Conditional Use petition of Florida Conference Associates of 7th Day Adventists, by Land Research Management, Inc., Agent. Request: To allow a church or place of worship and a private school. General Location: Approximately 0.5 mile south of Okeechobee Boulevard on the west side of Folsom Road (**COMMUNITIES WEST 7TH DAY ADVENTIST CHURCH**).

Pages 261-277

Size: 9.48 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a church or place of worship and a private school.

C. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT

24. **SR 1992-007.6** Status Report for Resolutions R-1993-515 and R-1993-516 (Petition 1992-007), the petition of Shirley K. Bernstein and Ann K. Schulman. Property owner: Morningstar Nursery, Inc. General Location: Northeast corner of Hypoluxo Road and Military Trail. Current zoning: Community Commercial with a Special Exception for a Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers (**LIPKINS PCD**).

Pages 278-281

Size: 7.92 acres ±

BCC District: 3

MOTION: To approve a time extension until June 24, 2006, for Resolutions R-1993-515 and R-1993-516.

CONSENT AGENDA

25. **SR 1999-077** Status Report for Resolution R-2000-1234 (Petition1999-077), the petition of Arthur Leibovit/Helen Godfriend/Irving Denmark. Property owner: Weldon Townhouse Limited. General Location: Approximately 375 feet east of SR 7/U.S. 441 on the south side of Okeechobee Boulevard. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 282-285

Size: 40 acres ±

BCC District: 6

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Residential Planned Unit Development District to the Single Family Residential Zoning District.

D. STATUS REPORTS – CONSENT

26. **SR 1975-104A** Status Report for Resolution R-2000-1232 (Petition 75-104A), the petition of Marathon Ashland Petroleum, LLC. Property owner: S & S Enterprises, Inc. and S & S Rentals LLC. General Location: Northeast corner of Lake Worth Road and Kirk Road. Current zoning: General Commercial with a Class A Conditional Use to allow a convenience store with gas sales (**SPEEDWAY #8361**).

Pages 286-289

Size: 0.97 acres ±

BCC District: 3

MOTION: To approve a time extension until August 24, 2006, for Resolution R-2000-1232.

27. **SR 1990-004A** Status Report for Resolution R-1998-0743 (Petition 1990-004A), the petition of Andy Hernandez. Property owner: Gilberto A. Hernandez and Dalia E. Hernandez. General Location: Approximately 500 feet west of Congress Avenue on the south side of Lake Worth Road. Current zoning: Community Commercial with a Special Exception for an existing auto service station (no repairs) and commercial truck rental facility. (**HERNANDEZ TRUCK RENTAL**).

Pages 290-296

Size: 0.50 acre ±

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (square feet) in Resolution R-1998-0743, and revoke concurrency for 596.6 square feet of storage space and 520 square feet for a trailer hitch installation bay.

28. **SR 1998-015.2** Status Report for Resolution R-98-1296 (Petition 1998-015), the petition of West Side Baptist Church. Property owner: Beacon Baptist Tabernacle, Inc. General Location: Northeast corner of Orange Boulevard and 130th Avenue. Current zoning: Agricultural Residential with a Class A Conditional Use to allow a church or place of worship (**WEST SIDE BAPTIST CHURCH**).

Pages 297-300

Size: 2.66 acres \pm

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval (architectural guidelines) in Resolution R-98-1296, and approve a time extension until August 27, 2006, for Resolution R-98-1296.

29. **SR 2001-010** Status Report for Resolution R-2001-1349 (Petition 2001-010), the petition of Bank Atlantic. Property owner: Atlantic Federal Savings & Loan. General Location: Northeast corner of West Atlantic Avenue and Jog Road. Current zoning: Community Commercial with a Class B Conditional Use to allow an existing financial institution with three (3) drive thru lanes (**BANK ATLANTIC**).

Pages 301-304

Size: 1.13 acres \pm

BCC District: 5

MOTION: To approve a time extension until August 23, 2006, for Resolution R-2001-1349.

E. TDR CONTRACT, ESCROW AGREEMENT AND DEED

30. **PDD/TDR 2003-045** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and EB at Colony Lakes, LLC, for the sale and purchase of 36 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit as approved by the Palm Beach County Board of County Commissioners on July 22, 2004 by Resolution R-2004-1654. Request: Approve an escrow agreement between Palm Beach County, EB at Colony Lakes, LLC and Kodsi Law Firm P.A., (escrow agent) for the sale and purchase of 36 TDR units from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit, as approved by the Palm Beach County Board of County Commissioners on July 22, 2004. (**COLONY LAKES at BOYNTON PUD**)

Pages 305-313

BCC District: 3

MOTION: To approve a contract for the sale and purchase of 36 development rights at a purchase price of \$15,837.00 per unit for a total price of \$570,132.00.

MOTION: To approve an escrow agreement for 36 development rights at a purchase price of \$15,837.00 per unit for a total price of \$570,132.00.

31. **PDD/TDR 2003-045** Execute a deed conveying 36 Development Rights units to EB at Colony Lakes, LLC as authorized in Resolution R-2004-1654, which approved the purchase of 36 Development Rights from the County's TDR Bank at a cost of \$15,837.00 per unit and the designation of the Colony Lakes at Boynton PUD as a TDR Receiving Area for those units. (**COLONY LAKES at BOYNTON PUD**)

Pages 314-316

BCC District: 3

MOTION: To execute a deed conveying 36 Development Rights units to EB at Colony Lakes, LLC as authorized in Resolution R-2004-1654.

32. **Z/DRO2004-021** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Holiday Management Associates, Inc. for the sale and purchase of 5 Transfer of Development Right (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit as approved by the Palm Beach County, Zoning Division, Development Review Officer. Request: Approve an escrow agreement between Palm Beach County, Holiday Management Associates, Inc. and Bank of America, (escrow agent) for the sale and purchase of 5 TDR units from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit, as approved by the Palm Beach County, Zoning Division, Development Review Officer. (**COLONY OAKS at BOYNTON BEACH**)

Pages 317-326

BCC District: 3

MOTION: To approve a contract for the sale and purchase of 5 development rights at a purchase price of \$15,837.00 per unit for a total price of \$79,185.00.

MOTION: To approve an escrow agreement for 5 development rights at a purchase price of \$15,837.00 per unit for a total price of \$79,185.00.

CONSENT AGENDA

33. **Z/DRO2004-021** Execute a deed conveying 5 Development Rights units to Holiday Management Associates, Inc. as authorized by Palm Beach County, Zoning Division, Development Review Officer which approved the purchase of 5 Development Rights from the County's TDR Bank at a cost of \$15,837.00 per unit and the designation of the Colony Oaks at Boynton Beach as a TDR Receiving Area for those units. (**COLONY OAKS at BOYNTON BEACH**)

Pages 327-328

BCC District: 3

MOTION: To execute a deed conveying 5 Development Right units to Holiday Management Associates, Inc., as authorized by Palm Beach County, Zoning Division, Development Review Officer.

F. CORRECTIVE RESOLUTION

34. **DOA/EAC1987-150B**

Corrective Resolution: To correct Engineering Conditions E.1, E.2, E.3 and E.4 of Resolution R-2004-2016 (**FLORENCE FULLER**).

Pages 329-330
District: 5

BCC

MOTION: To adopt a resolution to correct Engineering Conditions E.1, E.2, E.3 and E.4 of Resolution R-2004-2016.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. RECONSIDERATION OF FOX DRI - DOA2004-230

35. **DOA2004-230** Title: Resolution approving a Development Order Amendment petition of Fox Property Venture, by Greenberg Traurig, Agent. Request: Substantial Deviation Determination. Request: To modify a DRI condition of approval. General Location: Approx. 250 feet west of SR 7 on the south side of Fox Trail Rd. South (**FOX DRI SOUTH MUPD**).

Pages 331-355

Size: 9.27 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: The request is not a Substantial Deviation.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify a DRI condition of approval.

C. SMALL SCALE LAND USE PLAN AMENDMENTS AND ZONING PETITIONS

36. **SCA 2004-00002** Robert C. Malt & Co., by Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) on 0.45 acres to Commercial High, with an underlying Industrial (CH/IND) and from High Residential, 8 units per acre (HR-8) on 1.58 acres to Industrial (IND). General Location: Approximately 300 feet west of Military Trail on the north side of Orleans Court (**ORLEANS COURT INDUSTRIAL**, a.k.a Orleans Court Industrial and Orleans Court Commercial).

Pages 356-381

Size: 2.03 acres ±

BCC District: 6

Staff Recommendation: Denial of the requested future land use change from HR-8 to CH/IND on 0.45 acres and to IND on 1.58 acres.

LPA Recommendation: Approval of the applicant's request for a future land use change from HR-8 to CH/IND on 0.45 acres and to IND on 1.58 acres (12-0 vote).

MOTION: To deny the request for a future land use change from HR-8 to CH/IND on 0.45 acres and to IND on 1.58 acres.

REGULAR AGENDA

37. **DOA1993-029A** Title: Resolution approving a Development Order Amendment petition of Robert C. Malt & Co., by Land Research Management, Inc., Agent. Request: To delete land area, reconfigure site plan and modify/delete conditions of approval. General Location: Northwest corner of Military Trail and Orleans Court (**ORLEANS COURT COMMERCIAL**).

Pages 382-407

Size: 1.01 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying a Development Order Amendment to delete land area, reconfigure site plan and modify/delete conditions of approval.

38. **Z/COZ2003-098** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone petition of Robert C. Malt & Co., by Land Research Management, Inc., Agent. Request: Rezoning from the Multifamily Residential (RM) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 300 feet west of Military Trail on the north side of Orleans Court (**ORLEANS COURT INDUSTRIAL**).

Pages 408-433

Size: 1.58 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying an Official Zoning Map Amendment from the Multifamily Residential Zoning District to the Light Industrial Zoning District with a Conditional Overlay Zone.

39. **SCA 2004-00003** Charles F. Poston, by David L. Carpenter & Associates. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) on 9.83 acres to Commercial Low (CL) with conditions. General Location: Northeast corner of Lantana Road and Haverhill Road (**LANTANA/HAVERHILL COMMERCIAL**, a.k.a Lantana Plaza)

Pages 434-462

Size: 9.83 acres ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from MR-5 to CL with conditions.

LPA Recommendation: Approval of staff's recommendation with a modification to approve only conditions #1-3 (13-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from MR-5 to CL, subject to conditions.

40. **PDD/R2003-099** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Charles Poston, by David L. Carpenter & Associates, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving a Requested Use petition of Charles Poston, by David L. Carpenter & Associates, Agent. Request: To allow a financial institution. General Location: Northeast corner of Lantana Road and Haverhill Road (**LANTANA PLAZA**).

Pages 463-486

Size: 9.83 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

MOTION: To adopt a resolution approving a Requested Use to allow a financial institution.

41. **SCA 2004-00048** Palm Beach County. Small Scale Land Use Amendment (SCA): Amend land use from Commercial High (CH) with cross-hatching on 1.43 acres to Commercial High (CH). General Location: Approximately .25 mile east of Military Trail on the south side of Westgate Avenue. (**WESTGATE COMMERCE CENTER**, a.k.a Westgate Commerce Plaza)

Pages 487-509

Size: 1.43 acre ±

BCC District: 2

Staff Recommendation: Approval of the requested future land use change from CH with crosshatching to CH.

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

MOTION: To adopt an ordinance approving the request for a future land use change from CH with crosshatching to CH.

42. **CA2003-096** Title: Resolution approving a Class A Conditional Use petition of Westgate Associates, LLC, by Miller Land Planning Consultants, Inc., Agent. Request: To allow an office/warehouse. General Location: Approximately 1,300 feet east of Military Trail on the south side of Westgate Avenue (**WESTGATE COMMERCE PARK**).

Pages 510-525

Size: 1.43 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow an office/warehouse.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

43. **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 Multiple Use Planned Development with a permanent air curtain incinerator. General Location: Northeast corner of Cleary Road and Wallis Road (**PALM BEACH TRANSFER & RECYCLING**).

Pages 526-561

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 a Development Order Amendment to modify/delete conditions of approval for a Multiple Use Planned Development with a permanent air curtain incinerator.

E. ZONING PETITIONS

44. **Z2003-072** Title: Resolution approving an Official Zoning Map Amendment petition of Leonidas Alfaro, by Levy, Kneen, Mariani, Curtin, Wiener, Kornfeld, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 660 feet north of Belvedere Road on the east side of Skees Road (**1150 SKEES ROAD**).

Pages 562-575

Size: 1.0 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Light Industrial Zoning District with a Conditional Overlay Zone.

45. **DOA1983-018B** Title: Resolution approving a Development Order Amendment petition of Lennar Homes, by Land Design South, Agent. Request: To reconfigure Master Plan for a Special Exception to allow a Residential Planned Unit Development. Title: Waiver. Request: Deviation from cul-de-sac restrictions. General Location: Approximately 5 miles west of the Beeline Highway on the south side of Northlake Boulevard (**BAYHILL ESTATES (AKA STONEWALL PUD)**).

Pages 576-606

Size: 363.72 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure Master Plan for a Residential Planned Unit Development.

MOTION: To adopt a resolution approving a deviation from cul-de-sac restrictions.

46. **PDD2004-015** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of GL Homes of Boca Raton Associates V, Ltd., by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Waiver. Request: Deviation from cul-de-sac restrictions. General Location: Approximately 1,300 feet south of Kimberly Boulevard on the west side of Coral Ridge Road (**COLLIER PUD**).

Pages 607-628

Size: 44.05 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, 5-1.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving a deviation from cul-de-sac restrictions.

47. **PDD/R/TDR2004-001** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Briella 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. Title: Resolution approving a Requested Use petition of Briella LLC, by Miller Land Planning Consultants, Inc., Agent. Request: To allow the Transfer of Development Rights for 77 units and to designate this petition as the receiving area. General Location: Southeast Corner of Hagen Ranch Road and 102nd Place South (**BRIELLA PUD**).

Pages 629-660

Size: 30.70 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: PDD: Approved as amended, 6-0.
TDR: Approved as amended, 5-1

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving a Requested Use to allow the Transfer of Development Rights for 77 units and to designate this petition as the receiving area.

- 48. **DOA2004-219** Title: Resolution approving a Development Order Amendment petition of St. Lukes United Methodist Church, by Land Design South, Agent. Request: To reconfigure site plan for a Special Exception to allow a church or place of worship. General Location: Approximately 2,200 feet south of Lake Worth Road on the east side of Ohio Road (**ST. LUKES UNITED METHODIST CHURCH**).

Pages 661-680

Size: 5.89 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure site plan for a Special Exception to allow a church or place of worship.

- 49. **CA2003-070** Title: Resolution approving a Class A Conditional Use petition of Worship Center Baptist Church, by Kenneth White, Agent. Request: To allow a church or place of worship. General Location: Approximately 1,600 feet west of I-95 on the north side of Donald Ross Road (**WORSHIP CENTER BAPTIST CHURCH**).

Pages 681-702

Size: 1.04 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a church or place of worship.

5. DIRECTOR COMMENTS

A. PLANNING DIRECTOR

B. ZONING DIRECTOR

- 50. TDR Annual Report

MOTION: To receive and file the 2003-04 TDR Annual Report including the recommended price per County TDR unit.

(under separate cover)

Pages

- 51. Tree Replacement Policy

(under separate cover)

52. [Request for Permission to Advertise](#) – Water Treatment Plant Code Amendment

Pages 703-704

MOTION: Staff recommends a motion to approve on preliminary reading and advertise for 1st Reading on November 18, 2004 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS FOLLOWS: TO AMEND ARTICLE **ARTICLE 4**, USE REGULATIONS; CHAPTER B – SUPPLEMENTARY USE STANDARDS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

6. COMMISSIONER COMMENTS

53. Discussion on Mobile Homes and Affordable Housing – Commissioner Koons

7. ADJOURNMENT