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

FEBRUARY 24, 2005

**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 1-3)**

- 3. CONSENT AGENDA (Pages 4-8)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Page 9-14)**

- 5. DIRECTOR COMMENTS (Page 14)**

- 6. COMMISSIONER COMMENTS (Page 14)**

- 7. ADJOURNMENT (Page 14)**

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

FEBRUARY 24, 2005

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 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. 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 day care general and a private school. 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 March 24, 2005 (Postponed by the Zoning Commission).

2. **PDD/R/TDR2003-061** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Kirk & Susan Angelocci, by Land Design South, Agent. Request: Rezoning from the Multifamily Residential (RM) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use petition of Kirk & Susan Angelocci, by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 41 units and to designate this petition as the receiving area. General Location: Approximately 0.5 mile west of Haverhill Road on the south side of Purdy Lane (**ANGELOCCI PROPERTY PUD**).

N/A

Size: 12.5 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to March 24, 2005 (Postponed by the Zoning Commission).

3. **CA2004-216** Title: Resolution approving a Class A Conditional Use petition of Church of God of Lantana, by Land Research Management, Inc., Agent. Request: To allow a private school. General Location: Southwest corner of Mariner Way and Congress Avenue (**CORNERSTONE CHURCH**).

N/A

Size: 2.25 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to March 24, 2005 (Postponed by the Zoning Commission).

4. **Z2004-496** Title: Resolution approving an Official Zoning Map Amendment petition of Seminole Improvement District, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 0.8 mile east of Seminole Pratt Whitney Road and approximately 0.6 mile north of Persimmon Boulevard (**SEMINOLE IMPROVEMENT DISTRICT**).

Page 2

Size: 40 acres ±

BCC District: 6

MOTION: None required. (By-right postponement to April 28, 2005).

B. WITHDRAWALS

5. **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: Approximately 330 feet west of Florida's Turnpike on the south side of Lake Worth Road (**LAKE WORTH/TURNPIKE WEST** a.k.a. **MASTROIANNI PROPERTY**).

N/A

Size: 9.15 acres ±

BCC District: 6

MOTION: None required.

6. **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: Approximately 330 feet west of Florida's Turnpike on the south side of Lake Worth Road (**MASTROIANNI MUPD**).

Page 3

Size: 9.15 acres ±

BCC District: 6

MOTION: None required.

– END OF POSTPONEMENTS/WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

7. **Z2004-447** Title: Resolution approving an Official Zoning Map Amendment petition of Steven Zeiger, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 350 feet south of Fredrick Small Road on the east side of Palmwood Road (**ZEIGER PROPERTY**).

Pages 4-14

Size: 2.21 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

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 Residential Transitional Zoning District.

C. ZONING PETITIONS

8. **Z/COZ2004-020** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone petition of Sara H. Johnson, Trustee, by DLCA, 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 1 mile south of Hypoluxo Road on the east side of Lyons Road (**JOHNSON SUBDIVISION**).

Pages 15-34

Size: 5.0 acres ±

BCC District: 3

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 Residential Transitional Zoning District with a Conditional Overlay Zone.

CONSENT AGENDA

9. **DOA/R2004-643** Title: Resolution approving a Development Order Amendment petition of G. Brockway, by Kilday & Associates, Inc., Agent. Request: To reconfigure the site plan, add square footage, and modify a condition of approval for a Multiple Use Planned Development (MUPD). Title: Resolution approving a Requested Use petition of G. Brockway, by Kilday & Associates, Inc., Agent. Request: To allow a car wash. General Location: Northeast corner of Green Street and Military Trail (**GOLFVIEW PLAZA**).

Pages 35-57

Size: .90 acres ± (affected area)

BCC District: 2

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 reconfigure the site plan, add square footage, and modify a condition of approval for a Multiple Use Planned Development.

MOTION: To adopt a resolution approving a Requested Use to allow a car wash.

10. **DOA/R2004-295** Title: Resolution approving a Development Order Amendment petition of Palm Beach Commerce Center, by Land Design South, Agent. Request: To reconfigure the site plan for a Planned Industrial Park Development (PIPD). Title: Resolution approving a Requested Use petition of Palm Beach Commerce Center, by Land Design South, Agent. Request: To allow a daycare, general. General Location: Northwest corner of Okeechobee Boulevard and Vista Parkway (**VISTA CENTER PARCEL 23**).

Pages 58-101

Size: 1.14 acres ± (affected area)

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: This request is not a Substantial Deviation.

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan for a Planned Industrial Park Development.

MOTION: To adopt a resolution approving a Requested Use to allow a daycare, general.

CONSENT AGENDA

11. **Z/CA2004-1014** Title: Resolution approving an Official Zoning Map Amendment petition of Southern Management Corp., by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Southern Management Corp., by Land Research Management, Inc., Agent. Request: To allow outdoor entertainment. General Location: Approximately 0.2 mile west of Binks Forest Drive on the north side of Southern Boulevard (**FAMILY GOLF CENTER**).

Pages 102-120

Size: 20 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow outdoor entertainment.

12. **DOA2004-814** Title: Resolution approving a Development Order Amendment petition of Arrigo Enterprises, Inc., by Greenberg Traurig, PA, Agent. Request: To reconfigure the site plan and modify/delete conditions of approval for a Multiple Use Planned Development (MUPD). General Location: Southwest corner of Okeechobee Boulevard and Florida's Turnpike (**ARRIGO DODGE**).

Pages 121-146

Size: 29.85 acres ±

BCC District: 2

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 reconfigure the site plan and modify/delete conditions of approval for a Multiple Use Planned Development.

D. PREVIOUSLY POSTPONED STATUS REPORTS

13. **CR 1980-153K** Status Report for Resolution R-2002-1471 (Petition 1980-153K), the petition of Jewish Community Center. Property owner: Temple Torah of West Palm Beach Inc. General Location: Northeast corner of Jog Road and Gateway Boulevard. Current zoning: Single Family Residential with a Special Exception to allow a Planned Unit Development (Aberdeen PUD). Last BCC Approval: Development Order Amendment to reconfigure the master plan, allow general daycare, and modify/delete conditions of approval (**TEMPLE TORAH OF WEST BOYNTON BEACH**).

Pages 147-151

Size: 6.72 acres ±

BCC District: 3

MOTION: To 1) adopt a resolution to amend conditions of approval (right-of-way/site plan) in Resolution R-2002-1471, and 2) approve a time extension until May 1, 2005, to comply with Condition E.21 of Resolution R-2002-1471.

E. STATUS REPORTS – CONSENT

14. **CR 1996-006A** Status Report for Resolutions R-2003-0949 and R-2003-0950 (Petition 1996-006A), the petition of PBC Realty Associates. Property owner: PBC Realty Associates. General Location: Northwest corner of Woolbright Road and Military Trail. Current zoning: Community Commercial. Last BCC Approval: Development Order Amendment to add land area and parking spaces (**WALGREENS/MILITARY AND WOOLBRIGHT**).

Pages 152-155

Size: 1.78 acres ±

BCC District: 5

MOTION: To approve a time extension until January 1, 2006, to comply with Conditions E.3. and E.4. of Resolutions R-2003-0949 and R-2003-0950.

F. CORRECTIVE RESOLUTIONS

15. **CA2003-047** Corrective Resolution: To delete Condition F of Exhibit C of Resolution R-2004-0521 (**INDIAN ROAD OFFICE/COMMERCIAL**).

Pages 156-162

BCC District: 2

MOTION: To adopt a resolution deleting Condition F of Exhibit C of Resolution R-2004-0521.

16. **CR 2002-027/E10** Corrective Resolution: To correct Engineering Condition 2 of Resolution R-2004-0720 (**US 441 LAND TRUST MUPD**).

Pages 163-164

BCC District: 3

MOTION: To adopt a resolution correcting Engineering Condition 2 of Resolution R-2004-0720.

G. RELEASE OF UNITY OF TITLE

17. The attached request for release of unity of title is for a property that had a pond excavation which has been filled in, according to the submitted notarized affidavit from the owner and per a current survey; therefore, the requirement for the unity of title no longer exists. The release requires consent of the County Commission in order to release the unity of title.

Pages 165-167

MOTION: To approve the Release of Unity of Title.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED STATUS REPORTS

18. **SR 1994-098.8** Status Report for Resolution R-95-1124 (Petition 1994-098), the petition of Francalby Corporation, Inc. Property owner: Francalby Corp., Inc. General Location: Approximately 200 feet east of High Ridge Road on the north side of Hypoluxo Road. Current zoning: Community Commercial (**HYPOLUXO CENTER**).

Pages 168-171

Size: 2.7 acres ±

BCC District: 3

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Community Commercial Zoning District to the Residential Estate Zoning District.

19. **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 (**WINSBERG FARM MUPD**).

Pages 172-175

Size: 15 acres ±

BCC District: 5

MOTION: To approve a time extension until March 26, 2006, for Resolution R-98-424.

C. STATUS REPORTS

20. **SR 1998-021.3** Status Report for Resolutions R-98-1806 and R-98-1807 (Petition 1998-021), the petition of Robert Whitaker, Tr. Property owner: A&A Electric Co., Inc. Money, John Adair, Tr., Linda Illsley, Tr., Ellen Whitaker, Tr., and Robert J. Whitaker, Tr. General Location: Approximately 0.1 mile west of Congress Avenue on the south side of 6th Avenue South. Current zoning: Commercial Low Office with a Class A Conditional Use to allow a professional/medical office (**CONGRESS PARK II MEDICAL CENTER**).

Pages 176-179

Size: 2.98 acres ±

BCC District: 3

MOTION: To approve a time extension until December 31, 2005, for Resolutions R-98-1806 and R-98-1807.

21. **SR 1998-022.3** Status Report for Resolutions R-98-1808 and R-98-1809 (Petition 1998-022), the petition of Jerry D. McCoy Trust. Property owner: E. Don McCoy Tr. and Jerry D. McCoy Tr. General Location: Approximately 0.2 mile west of Congress Avenue on the south side of 6th Avenue South. Current zoning: Commercial Low Office with a Class A Conditional Use to allow a professional/medical office (**CONGRESS PARK I MEDICAL CENTER**).

Pages 180-183

Size: 3.3 acres ±

BCC District: 3

MOTION: To approve a time extension until December 31, 2005, for Resolutions R-98-1808 and R-98-1809.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

22. **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 9 units and to designate this petition as the receiving area. General Location: Approximately 3,000 feet south of Hypoluxo Road and 1 mile west of Military Trail (**BOYNTON GOLF ESTATES**).

Pages 184-216

Size: 8.78 acres ±

BCC District: 3

Staff Recommendation: Approval of the rezoning, subject to conditions, and denial of the Transfer of Development Rights.

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

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.

MOTION: To adopt a resolution denying a Class A Conditional Use to allow the Transfer of Development Rights for 9 units and to designate this petition as the receiving area.

REGULAR AGENDA

23. **DOA2004-296** Title: Resolution approving a Development Order Amendment petition of Town Commons LLC, by Land Design South, Agent. Request: To delete land area and reconfigure the site plan for a Multiple Use Planned Development (MUPD). General Location: Northeast corner of Hypoluxo Road and Lyons Road (**TOWN COMMONS MUPD #1**).

Pages 217-279

Size: 15.47 acres ±

BCC District: 3

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 delete land area and reconfigure the site plan for a Multiple Use Planned Development.

24. **PDD2004-298** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Town Commons LLC, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Approximately 1,100 feet east of Lyons Road on the north side of Hypoluxo Road (**TOWN COMMONS MUPD #2**).

Pages 280-304

Size: 3.23 acres ±

BCC District: 3

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 Multiple Use Planned Development District.

REGULAR AGENDA

- 25. **PDD2004-297** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Town Commons LLC, by Land Design South, Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) District and the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approximately 654 feet north of Hypoluxo Road on the east side of Lyons Road (**TOWN COMMONS PUD**).

Pages 305-335

Size: 21.28 acres ±

BCC District: 3

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 Multiple Use Planned Development District and the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

E. ZONING PETITIONS

- 26. **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**).

Pages 336-355

Size: 12.88 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved as amended, 4-0.

Board of County Commissioners Recommendation: Approved as advertised on first hearing and to convene a second public hearing on February 24, 2005 at 9:30 a.m., 5-1.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Neighborhood Commercial and the Multifamily Residential Zoning Districts to the Public Ownership Zoning District.

REGULAR AGENDA

27. **CA/TDR2004-012** Title: Resolution approving a Class A Conditional Use petition of Gulfstream Square LLC, by Ruden McClosky, 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**).

Pages 356-382

Size: 2.46 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow the Transfer of Development Rights for 9 units at a reduced price of \$5,000 per unit for a total of \$45,000, and to designate this petition as the receiving area.

28. **PDD2004-504** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Ascot Development, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District with an Optional Residential (OR) Pod. Title: Waiver. Request: Deviation from cul-de-sac restrictions. General Location: Approximately 500 feet north of Atlantic Avenue on the east side of Lyons Road (**ASCOT – LYONS AND ATLANTIC PUD**).

Pages 383-437

Size: 380.93 acres ±

BCC Districts: 3 & 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 Zoning District to the Agricultural Reserve Planned Unit Development District.

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

F. MORATORIUM ORDINANCES

29. **MOTION TO ADOPT:** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: AMENDING ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES, CREATING NEW CHAPTER G, LOXAHATCHEE GROVES MORATORIUM, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR REZONINGS WITHIN THE BOUNDARIES OF LOXAHATCHEE GROVES THROUGH DECEMBER 31, 2005. PROVIDING FOR THE TREATMENT OF PENDING APPLICATIONS AND REZONINGS REQUIRED TO IMPLEMENT COMPREHENSIVE PLAN AMENDMENTS ADOPTED IN AMENDMENT ROUND 2004-2; INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

Pages 438-442

5. DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. PLANNING DIRECTOR**

6. COMMISSIONER COMMENTS

7. ADJOURNMENT