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

MARCH 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 (Pages 1-2)**

- 3. CONSENT AGENDA (Pages 3-6)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 7-8)**

- 5. DIRECTOR COMMENTS (Page 8)**

- 6. COMMISSIONER COMMENTS (Page 8)**

- 7. ADJOURNMENT (Page 8)**

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

MARCH 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

A. POSTPONEMENTS

- 1. **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 April 28, 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 37 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 April 28, 2005 (Postponed by the Zoning Commission).

3. **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 general daycare 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 sixty (60) days to May 26, 2005 (Postponed by the Zoning Commission).

4. **Z/COZ2004-023** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone petition of Tropical Real Estate Holdings LLC, by Land Research Management, Inc., 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 0.4 mile west of Jog Road on the south side of Belvedere Road (**SOUTHEAST CONTRACTING SERVICES**).

Page 2

Size: 5.0 acres ±

BCC District: 6

MOTION: To postpone sixty (60) days to May 26, 2005 (Postponed by the Zoning Commission).

5. **SR 2001-042** Status Report for Resolutions R-2002-0134 and R-2002-0135 (Petition 2001-042), the petition of Palm Lakes Baptist Association, Inc. Property owner: Palm Lakes Baptist Association, Inc. General Location: Northeast corner of Haverhill Road and 45th Street. Current zoning: Multifamily Residential with a Class A Conditional Use to allow two (2) churches or places of worship (**SILOE BAPTIST CHURCH**).

Pages 3-6

Size: 8.68 acres ±

BCC District: 7

MOTION: To postpone thirty (30) days to April 28, 2005 (Petitioner requested).

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

N/A

MOTION: To postpone sixty (60) days to May 26, 2005.

– END OF POSTPONEMENTS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

- 7. **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 7-42

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.

- 8. **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 43-69

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.

- 9. **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 70-101

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.

C. PREVIOUSLY POSTPONED STATUS REPORTS

- 10. **SR 1973-157A.4** Status Report for Resolution R-91-243 (Petition 1973-157A), the petition of King's Academy, Inc. Property owner: Palm Beach County. General Location: Approximately 0.1 mile east of Military Trail on the north side of Cherry Road. Zoning District: Multifamily Residential with a Special Exception to allow a private school. Last Zoning Approval: Special Exception to amend the site plan for a private school to increase square footage (**KING'S ACADEMY**).

Pages 102-107

Size: 30.31 acres ± BCC District: 2

MOTION: To adopt a resolution to amend conditions of approval in Resolution R-91-243, and revoke the concurrency exemption (90-0314006) for the unbuilt square footage that was approved under Resolution R-91-243.

D. STATUS REPORTS – CONSENT

- 11. **SR 1998-058.2** Status Report for Resolution R-1999-0706 (Petition 1998-058), the petition of Hovsons, Inc. Property owner: Melrose Land Holding Enterprises, Inc. General Location: Approximately 1 mile south of Hypoluxo Road on the east side of Florida's Turnpike. Current zoning: Residential Transitional Suburban (**MELROSE EAST REZONING**).

Pages 108-112

Size: 12.73 acres ± BCC District: 3

MOTION: To approve a time extension until January 22, 2007, for Resolution R-1999-0706.

- 12. **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. Zoning District: Community Commercial with a Conditional Overlay Zone. Last Zoning Approval: Development Order Amendment to add land area and parking spaces (**WALGREENS/MILITARY AND WOOLBRIGHT**).

Pages 113-117

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 Resolution R-2003-0949 and R-2003-0950.

- 13. **CR 2002-020/E7** Status Report for Resolution R-2003-0561 (Petition 2002-020), the petition of George Haas, Dorothy Haas & Edward Bernard. Property owners: Haas Properties LLC and Edward Bernard. General Location: Approximately .25 mile south of Lake Worth Road on the east side of Lyons Road. Zoning District: Residential Planned Unit Development (**BERNARD HAAS PUD**).

Pages 118-125

Size: 47.96 acres ± BCC District: 6

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

E. CORRECTIVE RESOLUTION

- 14. **DOA2004-814**

Corrective Resolution: To correct Condition C.3 of Resolution R-2005-0382 (**ARRIGO DODGE**).

Pages 126-127

BCC District: 2

MOTION: To adopt a resolution to correct Condition C.3 of Resolution R-2005-0382.

F. TDR CONTRACT, ESCROW AGREEMENT AND DEED

15. **CA/TDR 2004-012** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Gulfstream Square LLC, for the sale and purchase of 9 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$5,000.00 per unit as approved by the Palm Beach County Board of County Commissioners on February 24, 2005 by Resolution No. R-2005-0386. Request: Approve an escrow agreement between Palm Beach County, Gulfstream Square LLC and Ruden, McClosky, Smith, Schuster & Russell, PA (escrow agent) for the sale and purchase of 9 TDR units from the Palm Beach County TDR Bank at a purchase price of \$5,000.00 per unit, as approved by the Palm Beach County Board of County Commissioners on February 24, 2005. **(GULFSTREAM SQUARE)**

Pages 128-136

BCC District: 3

MOTION: To approve a contract for the sale and purchase of 9 development rights at a purchase price of \$5,000.00 per unit for a total price of \$45,000.00.

MOTION: To approve an escrow agreement for 9 development rights at a purchase price of \$5,000.00 per unit for a total price of \$45,000.00.

16. **CA/TDR 2004-012** Execute a deed conveying 9 Development Rights units to Gulfstream Square LLC as authorized in Resolution No. R-2005-0386, which approved the purchase of 9 Development Rights from the County's TDR Bank at a cost of \$5,000.00 per unit and the designation of the Gulfstream Square as a TDR Receiving Area for those units. **(GULFSTREAM SQUARE)**

Pages 137-138

BCC District: 3

MOTION: To execute a deed conveying 9 Development Rights units to Gulfstream Square LLC as authorized in Resolution No. R-2005-0386.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

17. [SR 1989-27A.2](#) Status Report for Resolution R-98-1513 (Petition 1989-027A), the petition of Felix Fundora. Property owner: Limestone Private School, Inc. General Location: Approximately 147 feet north of Southern Boulevard on the east side of First Street. Current zoning: Single Family Residential with a Class A Conditional Use to allow a general daycare. **(PLANET KIDS IV)**.

Pages 139-144

Size: 0.87 acres ±

BCC District: 6

MOTION: To approve a time extension until January 2, 2007, for Resolution R-98-1513.

C. PREVIOUSLY POSTPONED ZONING PETITIONS

18. [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 145-177

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.

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