

Board of County Commissioners

Tony Masilotti, Chairman
Addie L. Greene, Vice Chairperson
Karen Marcus
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson

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Department of Planning, Zoning & Building
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**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

MAY 26, 2005

**AGENDA
ITEM #**

PETITION/CHANGE

POSTPONEMENTS

23

W2005-500 – SOUTH FLORIDA SCIENCE MUSEUM

Postpone 30 days to June 15, 2005. (Petitioner requested)

AMENDMENTS TO THE AGENDA

9

Z2004-970 – NEGRINS INDUSTRIAL PARK

Modify Compliance Condition 1 to read as follows:

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval voluntary commitments. (ONGOING: MONITORING - Zoning)

20

PDD/R/TDR/W2004-661 – NICOLA PUD

Modify Engineering Condition E.6 to read as follows:

- E.6 Prior to issuance of a building permit, the property owner shall obtain from the Lake Worth Drainage District additional right of way to provide for the construction of:
 - i. a right turn lane on Hypoluxo Road at the project's entrance road; and,
 - ii. expanded intersection right of way at Haverhill Road and Hypoluxo Road.

Property obtained from the Lake Worth Drainage District shall be conveyed to Palm Beach County Land Development Division in the form of a road right of way warranty deed. Right of way for the proposed right turn lane shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. All additional right of way obtained from the Lake Worth Drainage District shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Any additional required right of way width for right turn lane shall be approved by LWDD prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

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

MAY 26, 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 1-3)**

- 3. CONSENT AGENDA (Pages 4-6)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 7-11)**

- 5. DIRECTOR COMMENTS (Page 11)**

- 6. COMMISSIONER COMMENTS (Page 11)**

- 7. ADJOURNMENT (Page 11)**

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

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

MAY 26, 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. **DOA2004-442** Title: Resolution approving a Development Order Amendment petition of Acts II Assembly of God, Inc., by Land Research Management, 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 1,200 feet west of Folsom Road on the south side of Okeechobee Boulevard (**ACTS II ASSEMBLY OF GOD**). (Control 1984-186)

N/A

Size: 5.0 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to June 15, 2005 (Postponed by the Zoning Commission).

- 2. **PDD/R/TDR/W2004-227** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Polo Realty, Inc., by Land Design South, Inc., Agent. Request: Rezoning from the Multiple Use Planned Development (MUPD) and the Agricultural Residential (AR) Zoning Districts to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use petition of Polo Realty, Inc., by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 235 units and to designate this petition as the receiving area. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Northeast corner of Old Clint Moore Road and Jog Road (**ROYAL PALM POLO PUD**). (Control 2004-203)

N/A

Size: 122.88 acres ±

BCC District: 5

MOTION: To postpone thirty (30) days to June 15, 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. General Location: Approximately 0.6 mile south of Donald Ross Road on the west side of Ellison Wilson Road (**HOLY SPIRIT LUTHERAN CHURCH**). (Control 1986-064)

N/A

Size: 5.25 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to June 15, 2005 (Postponed by the Zoning Commission).

4. **DOA/R2004-293** Title: Resolution approving a Development Order Amendment petition of Chimu, Inc., by DLCA, Agent. Request: To reconfigure the site plan and modify conditions of approval for a Special Exception to allow a Planned Commercial Development. Title: Requested Use. Request: To allow a financial institution. General Location: Approximately 650 feet west of Military Trail on the north side of Hypoluxo Road (**CHIMU SHOPPING CENTER**). (Control 1994-013)

N/A

Size: 8.68 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to June 15, 2005 (Postponed by the Zoning Commission).

5. **PDD2005-017** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Kenco-Ansca Delray Holdings LLC, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) District. General Location: Southeast corner of Flavor Pict Road and State Road 7/US441 (**DELRAY HOLDINGS 282 PUD**). (Control 2005-014)

N/A

Size: 282.68 acres ±

BCC District: 5

MOTION: None required (by right postponement to June 15, 2005).

6. **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**). (Control 2004-023)

N/A

Size: 5.0 acres ±

BCC District: 6

MOTION: To postpone sixty (60) days to July 28, 2005 (Postponed by the Zoning Commission)

7. **PDD2004-664** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Centex Homes, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Multifamily Residential (RM) and the Neighborhood Commercial (CN) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Approximately 1,300 feet south of Okeechobee Boulevard on the west side of Drexel Road (**MEADOWBROOK PUD**). (Control 2004-452)

N/A

Size: 83.27 acres ±

BCC District: 2

MOTION: To postpone ninety (90) days to August 25, 2005 (Postponed by the Zoning Commission).

– END OF POSTPONEMENTS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING PETITIONS

- 8. **Z2004-903** Title: Resolution approving an Official Zoning Map Amendment petition of Ernest Carradori, by Land Research Management, Inc., Agent. Request: Rezoning from the Single Family Residential (RS) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ). General Location: Approximately 1,882 feet north of Pennock Point Road on the east side of Loxahatchee River Road (**CARRADORI REZONING**). (Control 2004-590)

Pages 1-12

Size: 1.3 acres ±

BCC District: 1

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 Single Family Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

- 9. **Z2004-970** Title: Resolution approving an Official Zoning Map Amendment petition of Leonidas Alfaro, by Levy Kneen Mariana, Agent. Request: Rezoning from the Multifamily Residential (RM) Zoning District to the General Industrial (IG) Zoning District. General Location: Approximately 155 feet west of Skees Road on the south side of Belvedere Road (**NEGRINS INDUSTRIAL PARK**). (Control 2003-077)

Pages 13-24

Size: 2.53 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

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

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

CONSENT AGENDA

10. **PDD/W2005-016** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Boynton Beach XXI LLP, by Kilday & Associates, 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 and dead-end restrictions. General Location: Northwest corner of Hagen Ranch Road and Woolbright Road (**MINI-ASSEMBLAGE PUD**). (Control 2005-008)

Pages 25-47

Size: 118.48 acres ±

BCC District: 5

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 Residential Planned Unit Development District.

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

C. STATUS REPORTS – CONSENT

11. **SR 2000-097** Status Report for Resolution R-2001-0609 (Petition 2000-097), the petition of Dioceses of Palm Beach. Property owner: Gerald M. Barbarito DD JCL Bishop. General Location: Approximately 0.5 mile north of Okeechobee Boulevard on the east side of Haverhill Road. Zoning District: Multifamily Residential (**VILLA REGINA**).

Pages 48-53

Size: 8.86 acres ±

BCC District: 2

MOTION: To approve a time extension until April 26, 2007, for Resolution R-2001-0609.

12. **SR 2001-068** Status Report for Resolution R-2002-0608 (Petition 2001-068), the petition of Terrance E. Kirchman. Property owner: Jay M. & Lori K. Congleton. General Location: Approximately 1 mile south of SR 880 and 1 mile east of SR 80. Zoning District: Single Family Residential (**KIRCHMAN REZONING**).

Pages 54-59

Size: 17.25 acres ±

BCC District: 6

MOTION: To approve a time extension until April 25, 2007, for Resolution R-2002-0608.

D. CONSERVATION EASEMENT (PLANNING DIVISION)

13. Summary: Article 3, Chapter E, Section 2.F.3.h.2 of the Code and Future Land Use Element Policy 1.5.1-j of the Comp Plan require a conservation easement when an AgR-PDD project is developed. The owner of the property to be designated as the Preservation Area grants the easement to the County (the grantee), thereby restricting the property to those natural area conservation and environmental preservation purposes allowed under the Code and Comp Plan. The grantor (South Florida Water Management District) has requested language that deviates from the approved Conservation Easement form. Because this language is more restrictive than the approved Conservation Easement form, this easement requires separate approval.

Pages 60-65

BCC District: 5

Staff Recommendation: Approve: one (1) Conservation Easement required by the Palm Beach County Unified Land Development Code (the "Code") and Comprehensive Plan ("Comp Plan") on preserve areas associated with Agricultural Reserve Planned Development District ("AgR-PDD") known as Appolonia Farms project within the Agricultural Reserve.

MOTION: Approve: one (1) Conservation Easement required by the Palm Beach County Unified Land Development Code (the "Code") and Comprehensive Plan ("Comp Plan") on preserve areas associated with Agricultural Reserve Planned Development District ("AgR-PDD") known as Appolonia Farms project within the Agricultural Reserve.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION

- 14. **SCA 2004-00043** Darrin Shapiro, by Miller Land Planning Consultants, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 2 units per acre (LR-2) on 2.01 acres to Commercial Low - Office, with an underlying 2 units per acre (CL-O/2). General Location: Approximately 0.5 mile north of LeChalet Boulevard on the west side of Military Trail (**SHAPIRO II** a.k.a. **SHAPIRO PROPERTY**).

Pages 66-93

Size: 2.01 acres ±

BCC District: 3

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

LPA Recommendation: Approval of the applicant’s request for a future land use change from LR-2 to CL-O/2 (12-0 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from LR-2 to CL-O/2.

- 15. **Z/CA2004-404** Title: Resolution approving an Official Zoning Map Amendment petition of Darrin Shapiro, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District. Title: Resolution approving a Class A Conditional Use petition of Darrin Shapiro, by Miller Land Planning Consultants, Inc., Agent. Request: To allow a medical office. General Location: Approximately 0.5 mile north of LeChalet Boulevard on the west side of Military Trail (**SHAPIRO PROPERTY**). (Control 2004-233)

Pages 94-107

Size: 2.01 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a medical office.

C. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING PETITION

16. **SCA 2004-00044** Mohammed Liton Khan & Lincon Khan, by Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5) with a condition. General Location: Approximately 105 feet east of Lawrence Road on the north side of Tucks Road (**LAWRENCE/GATEWAY COMMERCIAL** a.k.a. **LAWRENCE MARKET**).

Pages 108-136

Size: 0.47 acres ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from MR-5 to CL/5, with a condition.

LPA Recommendation: Approval of staff's recommendation with an additional condition to cross-hatch the southernmost 50 feet of the site (8-0 vote).

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

17. **Z2004-405** Title: Resolution approving an Official Zoning Map Amendment petition of Mohammed Khan, by Basehart Consulting, Inc., Agent. Request: Rezoning from the Neighborhood Commercial (CN) and the Agricultural Residential (AR) Zoning Districts to the Community Commercial (CC) Zoning District. General Location: Northeast corner of Tucks Road and Lawrence Road (**LAWRENCE MARKET**). (Control 2004-251)

Pages 137-155

Size: .89 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 Neighborhood Commercial and the Agricultural Residential Zoning Districts to the Community Commercial Zoning District with a Conditional Overlay Zone.

D. ROUND 05-MINTO DRI RELATED LAND USE PLAN AMENDMENT (PLANNING DIVISION)

- 18. **LGA 2005-00030** Palm Beach County, by Craig S. Unger, P.E., Minto Communities, Inc. Round 05-Minto Land Use Amendment: Amend land use from Conservation (CON) to Low Residential, 2 units per acre (LR-2) with a condition. General Location: North side of Okeechobee Boulevard approximately 1,960 feet west of State Road 7 (**MINTO/FOX PROPERTY AMENDMENT a.k.a. MINTO OKEECHOBEE PUD**).

(under separate cover)

Size: 250.51 acres ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from CON to LR-2, with a condition.

LPA Recommendation: Approval, subject to a condition (8-0).

MOTION: To **transmit** the proposed Minto/Fox Property Amendment, subject to a condition.

E. STATUS REPORT

- 19. **SR 1995-102.4** Status Report for Resolution R-96-385 (Petition 1995-102), the petition of Thurston Lambertson. Property owner: Wynn & Sons Environmental. General Location: Approximately 0.2 mile west of Skees Road on the south side of Belvedere Road. Zoning District: Light Industrial (**TLC DIVERSIFIED, INC.**).

Pages 156-160

Size: 3.86 acres ±

BCC District: 6

MOTION: To approve a time extension until March 28, 2007, for Resolution R-96-385.

F. PREVIOUSLY POSTPONED ZONING PETITIONS

20. **PDD/R/TDR/W2004-661** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of ANSCA Communities LLC, by Land Design South, 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 ANSCA Communities LLC, by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 14 units and to designate this petition as the receiving area. Title: Waiver. Request: Deviation from cul-de-sac and dead-end restrictions. General Location: Approximately .25 miles west of Military Trail on the south side of Hypoluxo Road (**NICOLA PUD**). (Control 2004-458)

Pages 161-195

Size: 53.68 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow a monastery residence, chapel, retreat house and cemetery granted by Resolution R-79-1093.

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 14 units and to designate this petition as the receiving area.

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

21. **DOA2005-025** Title: Resolution approving a Development Order Amendment petition of Heritage at Green Cay Ltd., by Greenberg Traurig, PA, Agent. Request: To modify conditions of approval for a Planned Unit Development. General Location: Southwest corner of Flavor Pict Road and Jog Road (**WINSBERG FARMS PUD**). (Control 1997-095)

Pages 196-221

Size: 287.7 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

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

G. ZONING PETITIONS

- 22. [DOA2004-657](#) Title: Resolution approving a Development Order Amendment petition of Delray Funeral Homes Ltd. and Herbert Kahlert, by Land Design South, Inc., Agent. Request: To reconfigure the site plan and add square footage for a Multiple Use Planned Development. General Location: Southwest corner of Woolbright Road and Jog Road (**WOOLBRIGHT & JOG MUPD**). (Control 1999-035)

Pages 222-246

Size: 2.65 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to reconfigure the site plan and add square footage for a Multiple Use Planned Development.

- 23. [W2005-500](#) Title: Resolution approving Deviations petition of Palm Beach County, by Urban Design Studio and E. Verner Johnson & Associates, Agents. Request: To allow deviations from the requirements of the Architectural Design Standards for Unique Structures within Article 5.C of the ULDC. General Location: Northeast corner of Gun Club Road and Kirk Road (**SOUTH FLORIDA SCIENCE MUSEUM**). (Control 2005-121)

Pages 247-261

Size: 241.16 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving deviations from the requirements of the Architectural Design Standards for Unique Structures within Article 5.C of the ULDC.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

- 24. [Palm Beach County/Greenacres/Atlantis Charette presentation](#)

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6. COMMISSIONER COMMENTS

7. ADJOURNMENT