



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

FEBRUARY 25, 1999

**THURSDAY
9:30 AM**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Swearing In
- F. Motion to Adopt Agenda
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-3)

3. CONSENT AGENDA (Pages 4-8)

- " Staff
- " Board
- " Public

4. REGULAR AGENDA (Pages 9-12)

5. DIRECTOR COMMENTS (Page 13)

6. COMMISSIONER COMMENTS (Page 13)

7. ADJOURNMENT (Page 13)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, FEBRUARY 25, 1999

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM**.
- B. Opening Prayer and Pledge of Allegiance.
- C. Remarks of the Chair:

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and the recommendations of the Land Use Advisory Board and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on February 25, 1999, at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication.
- E. Swearing In.
- F. Motion to Adopt Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

- 1. **Z/CA
98-065** Official Zoning Map Amendment (Z) and Class A Conditional Use (CA) petitions of Toby Morton, by Robert Bentz, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Single Family (RS) Zoning District. Request: Zero Lot Line Home (40 ZLL). General Location: Approx. 1500 feet south of Linton Blvd on the east side of Jog Road (**PARC CHANDON**).

Page N/A

Size: 14.61 Acres ± BCC District: 5

MOTION: To postpone until March 25, 1999.

Reason for Postponement: Postponed by staff.

2. **DOA 96-107(B)** Development Order Amendment (DOA) petition of Cristal - Mizners Preserve Ltd. Partnership & LeChateau - Mizners Preserve Ltd. Partnership, by Robert Bentz, Agent. Request: To delete Condition E.2 (Tropical Way construction) of Resolution R-97-2084 and add internal access to adjacent parcel (Parc Chandon Z/CA98-065). General Location: Approx. 1300 feet south of Linton Blvd on the east side of Jog Road (**WILLIAMS TRACE PUD a.k.a. MIZNER PRESERVE**).

Page N/A

Size: 67.12 Acres ±

BCC District: 5

MOTION: To postpone until March 25, 1999.

Reason for Postponement: Postponed by staff.

3. **DOA 84-058(E)** Development Order Amendment (DOA) petition of U-Haul Co. of Florida, c/o Celeste Orr, by William R. Boose, III, Esq., Agent. Request: To delete Condition D.2 (truck location) of Resolution R-96-1192.1. General Location: Approx. 0.6 mile east of Jog Road on the south side of West Atlantic Ave. (**PEACHTREE PLAZA**).

Page N/A

Size: 7.61 Acres ±

BCC District: 5

MOTION: To postpone until March 25, 1999.

Reason for Postponement: Postponed by Zoning Commission.

4. **DOA 94-065(A)** Development Order Amendment (DOA) petition of ESOIL Corp, by David Lopez, Agent. Request: To redesignate land uses from restaurant, fast food to gas sales (4 pumps). General Location: SE corner of Military Trail and Gun Club Road (**GUN CLUB EXXON**).

Page N/A

Size: 1.43 Acres ±

BCC District: 2

MOTION: To postpone until March 25, 1999.

5. **PDD 98-50** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Lion Country Safari, Inc., by Ellen Smith, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with entertainment outdoor (water park); 200 room hotel (requested use) and wastewater plant (requested use); and existing zoo. General Location: Approx. 1.7 mile north of SR 80 on both sides of Lion Country Safari Road. (**LION COUNTRY SAFARI MUPD**).

Page 1

Size: 660.40 Acres ±

BCC District: 6

MOTION: To postpone until March 25, 1999.

Reason for Postponement: Requested by petitioner.

MOTION: To approve all postponements to dates indicated.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. WARRANT LIST - Administrative matter not subject to public comment.

Warrant List

Page N/A

MOTION: To approve the warrant list.

C. ZONING PETITIONS - CONSENT

6. DOA

95-116(A) Development Order Amendment (DOA) petition of Levitt-AN-SCA Towne Park , by Robert Bentz, Agent. Request: To reconfigure the master plan and delete the golf course. General Location: SE corner of SR 7/US 441 and Lantana Road (**TOWNE PARK PUD**).

Pages 2-33

Size: 562.46 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure the master plan and delete the golf course.

7. **CA98-061** Class A Conditional Use (CA) petition of Jupiter Farms Baptist Church, by Steven Mickley, Agent. Request: To allow a church or place of worship (1,000 seats). General Location: NE corner of 134th Way and Indiantown Road (**JUPITER FARMS BAPTIST CHURCH**).

Pages 34-49

Size: 10.36 Acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended, (4-0)

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

8. DOA

81-170(A) Development Order Amendment (DOA) petition of RCS Boca Grove, Inc., by Dennis Kohler, Esq., Agent. Request: Add building square footage and reconfigure the site plan. General Location: SW Corner of Boca Grove Blvd and Powerline Road (**GROVE CENTER**).

Pages 50-66

Size: 3.46 Acres ±

BCC DISTRICT: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development

Order Amendment to add building square footage and reconfigure the site plan.

MOTION: To recommend approval of a Commercial sub-category designation of Commercial High Intensity-Office (CH-O) for the referenced property.

- 9. **EAC**
96-113(A) Development Order Amendment/Expedited Application Consideration (EAC) petition of The Greenfield Group, by Lee Starkey, Agent. Request: To modify the site plan to reduce the square footage, modify/delete Conditions C.2 (building /site design), E.2 (right-of-way) and E.3 (turn lane) of Resolution R-97-252. General Location: NW Corner Melaleuca Lane and Congress Ave (**4531 MUPD**).

Pages 67-86

Size: 466.3 Acres ±

BCC DISTRICT: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify the site plan to reduce the square footage and modify/delete Conditions C.2, E.2 and E.3 of Resolution R-97-252.

D. STATUS REPORTS - CONSENT

- 10. **SR**
79-182A.5 Status Report for Resolution R-89-2206 (Petition 79-182A). Property owner: Cushman Fruit Co, Inc. Location: northwest corner of the intersection of Dalinda Lane and Forest Hill Boulevard. Current zoning: CG-General Commercial with a Special Exception to permit a Planned Commercial Development for a mix of permitted uses.

Pages 87-90

Size: 4.2 acres

BCC District: 2

Original Petitioner: Cushman Fruit Company

MOTION: Approve a time extension until December 12, 2000, for Resolution R-89-2206.

- 11. **SR**
81-115C.2 Status Report for Resolution R-93-2 (Petition 81-115C). Property owners: Health Care & Retirement Corp. of America, World Savings & Loan Association, Shever International Plaza, Inc., Arbern Investors III, L.P., Pointe West Assoc. Ltd., Health Care & Retirement Corp. of America. Location: southwest corner of Palmetto Park Road and Powerline Road. Current zoning: CG-General Commercial with a Requested Use allowing a nursing convalescent facility (120 beds maximum) within a previously approved Planned Commercial Development.

Pages 91-94

Size: 6.6 acres

BCC District:5

Original Petitioner: Health Care & Retirement Group

MOTION: Approve a time extension until January 4, 2001, for Resolution R-93-2.

- 12. **SR 85-113B.3** Status Report for Resolution R-94-12 (Petition 85-113B). Property owner: Francalby Corporation. Location: northeast corner of the intersection of Hypoluxo Road and High Ridge Road. Current zoning: CC-Community Commercial with a Conditional Overlay Zone.

Pages 95-97

Size: 1.5 acres (4.33 acre parent tract) BCC District:3

Original Petitioner: William and Daphne Cleve

MOTION: Approve a time extension until January 3, 2000, for Resolution R-94-12.

- 13. **SR 89-33.6** Status Report for Resolutions R-89-2226 and R-89-2227 (Petition 89-33). Property owner: American Retirement Corp. Location: south side of Delray West Road, approximately 0.75 of a mile east of Florida's Turnpike (Sunshine State Parkway). Current zoning: CS-Specialized Commercial with a Special Exception to permit a Planned Office Business Park.

Pages 98-100A

Size: 1.9 acres

Original Petitioner: Michael Bende BCC District:5

MOTION: Adopt a resolution to revoke the Special Exception which permitted a Planned Office Business Park.

- 14. **SR 89-45.5** Status Report for Resolutions R-89-2213 and R-89-2214 (Petition 89-45). Property owner: BRCH Group. Location: north side of Glades Road, approximately 0.2 of a mile west of Lyons Road. Current zoning: CS-Specialized Commercial with a Special Exception to permit a Planned Office Business Park.

Pages 101-103

Size: 2.7 acres BCC District:5

Original Petitioner: Bernice Ford

MOTION: Approve a time extension until December 12, 2000, for Resolutions R-89-2213 and R-89-2214.

- 15. **SR 89-65.5** Status Report for Resolutions R-90-55 and R-90-56 (Petition 89-65). Property owner: D.C. Land Co., Ltd.. Location: southwest corner of the intersection of Military Trail and Square Lake Drive. Current zoning: CS-Specialized Commercial with a Special Exception to permit a Planned Office Business Park.

Pages 104-107

Size: 3.4 acres BCC District:1

Original Petitioner: Theodore E. Davis

MOTION: Adopt a resolution to amend conditions of approval (landscaping), and approve a time extension until January 2, 2001, for Resolutions R-90-

55 and R-90-56.

16. **SR 95-81** Status Report for Resolution R-96-1 (Petition 95-81). Property owner: Tidal Wave Inv. Corp., Inc.. Location: east side of Tall Pines Road, approximately 0.25 mile north of Southern Boulevard. Current zoning: Light Industrial.

Pages 108-110

Size: 1 acre

BCC District:6

Original Petitioner: Kip & Michelle Affron

MOTION: Approve a time extension until January 5, 2000, for Resolution R-96-1.

17. **SR 95-94** Status Report for Resolution R-96-252 (Petition 95-94). Property owners: John and Bonnie Rawn and Ronald Gorloff. Location: north side of Wilson Road, adjacent to the south side of the C-51 Canal approximately 0.5 mile west of Jog Road. Current zoning: Residential Transitional.

Pages 111-113

Size: 8.3

BCC District:6

Original Petitioner: John Rawn

MOTION: Approve a time extension until February 22, 2000, to commence development for Resolution R-96-252, and until January 25, 2000, to comply with voluntary commitment number E.2. of Resolution R-96-252.

18. **CR 87-112G/ E4a** Status Report for Resolution R-97-2086 (Petition 87-112G). Property owner: James J. O'Brien, Trustee. Location: northeast corner of Jog Road and Hypoluxo Road. Current zoning: Residential Single Family with a Special Exception for a Planned Unit Development (Winston Trails PUD).

Pages 114-118

Size: 817 acres

BCC District:3

Original Petitioner: Winston Trails, Ltd. & Joshua Muss, Trustee

MOTION: Adopt a resolution to amend conditions of approval (road) in Resolution R-97-2086, and approve a time extension until July 1, 1999 for condition number E.4.A. of Resolution R-97-2086, and until April 1, 1999 for conditions E.15.C. of Resolution R-97-2086, and 2.C., and 2.D of Resolution R-98-560.

- 19. **CR**
92-17C/W8 Status Report for Resolutions R-93-171, 93-172, 93-173 (99-002) (Petition 92-17(C)). Property owners: Passages Land Partnership, Land Passages Inc., and Mc Donald's Corporation. Location: southwest corner of the intersection of Indiantown Road and Jupiter Farms Road. Current zoning: CC-Community Commercial and LO-Limited Office with a Special Exception to allow a Planned General Commercial Development (PGCD) and a Planned Office Business Park (POBP).

Pages 119-122

Size: 30.42 acres

BCC District:1

Original Petitioner: Passage Land Partnership and Faison Jupiter Farms Ltd. Partnership

MOTION: To direct staff of the Code Enforcement Division to cite the property owner for failure to comply with condition number W.8. of Resolution R-99-2.

- 20. **CR**
97-109/A2 Status Report for Resolution R-98-1129 (Petition 97-109). Property owner: Belo Brynteson, Jens B. Brynteson, Jr, and Brynteson Ltd. Family Partnership. Location: southeast corner of the intersection of Lantana Road and Haverhill Road. Current zoning: Planned Unit Development (Brynteson PUD) .

Pages 123-125

Size: 56.2 acres

BCC District:3

Original Petitioner: Continental Homes of Florida

MOTION: To direct staff of the Code Enforcement Division to continue the citation process for the property owner's failure to comply with condition number A.2. of Resolution R-98-1129.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. TIME CERTAIN ITEM

2:00 P.M.

- 21. **Z/COZ98-058** Official Zoning Map Amendment (Z) petition of Hovsons, Inc., by John Grant, Jr. Inc., Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Transitional Suburban (RTS) with a COZ. General Location: Approx. 1 mile south of Hypoluxo Road on the east side of the Florida Turnpike. (**MELROSE EAST REZONING**).

Pages 126-150

Size: 12.73 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential to Residential Transitional Suburban with a COZ.

C. STATUS REPORT

- 22. **SR 94-65** Status Report for Resolution R-95-4 (Petition 94-65). Property owner: Elwill Assoc., Inc. Location: southeast corner of the intersection of Gun Club Road and Military Trail. Current zoning: Commercial General with a Class A Conditional Use allowing a restaurant, fast food.

Pages 151-153

Size: 1.43 acres

BCC District:2

Original Petitioner: Elwill Associates

MOTION: Adopt a resolution to revoke the Class A Conditional Use allowing a fast food restaurant.

D. DEVELOPMENT OF REGIONAL IMPACT (DRI) AMENDMENT AND ZONING PETITION

- 23. **99-D1** BreFrank, Inc. by Jean E. Lindsey, AICP, Williams, Hatfield & Stoner, Inc. Development of Regional Impact Amendment (DRI): Amend a condition of approval in Ordinance 96-26 (Forest Hill DRI) to allow an extension to the construction commencement date (August 26, 2000).

Pages 154-178

General Location: Southwest corner of Forest Hill Boulevard and State Road 7 / US 441. **(WELLINGTON GREEN DRI, ORIGINALLY KNOWN AS 98-D1)**

Size: 466.30 acre ±

BCC District: 6

Staff Recommendation: Approval of the modified request to amend Ordinance 96-26 to modify a condition of approval to allow an extension to the construction commencement date to August 26, 2000.

LPA Recommendation: Approval (9 to 1 vote) of the request to amend Ordinance 96-26 to modify a condition of approval to allow a one year extension to the construction commencement date.

BCC Transmittal Action: Motion to transmit (6 to 1 vote) an amendment to Ordinance 96-26 to modify a condition of approval to allow a one year extension to the construction commencement date.

MOTION: To Approve the modified request to amend Ordinance 96-26 to modify a condition of approval to allow an extension to the construction commencement date to August 26, 2000, and adopt an ordinance affirming that action.

- 24. **EAC 96-40(B)** Development Order Amendment/Expedited Application Consideration (EAC) petition of BreFrank, Inc., by Jean Lindsey, Agent. Request: To modify Condition A.2 of Resolution R-98-1787. General Location: SW corner of Forest Hill Blvd and SR 7/US 441 **(WELLINGTON GREEN DRI)**.

Pages 179-211

Size: 466.3 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: The request is not a substantial deviation from the original Development of Regional Impact approval.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify Condition A.2 of Resolution R-98-1787.

E. PREVIOUSLY POSTPONED ZONING PETITIONS**25. Z/CA
98-063**

Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petitions of St. Nicholas Melkite Mission, by Kevin McGinley, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Medium Density (RM). Requests: To allow a church or place of worship; general daycare, and congregate living facility (CLF), Type 3. General Location: Approx. 0.25 mile east of El Clair Ranch Road on the north side of Sims Road (**ST. NICHOLAS MELKITE MISSION**).

Pages 212-230

Size: 4.55 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential to Residential Medium Density.

MOTION: To adopt a resolution approving the request for Class A Conditional Uses to allow a church or place of worship; general daycare and Type 3 congregate living facility.

**26. PDD/TDR
98-56**

Official Zoning Map Amendment to a Planned Development District (PDD) and a Transfer of Development Rights (TDR) petitions of DAB of Palm Beaches, Inc. and Andrew Logan, by Robert Bentz, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). Request: Transfer Development Rights for 63 units and designate PDD98-56 as the receiving area for those units. General Location: Approx. 0.75 mile west of Military Trail on the north side of Hypoluxo Road (**NYE PUD**).

Pages 231-290

Size: 75.40 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: PDD - Approved as amended, (6-0).
TDR - Denial (4-2)

LUAB Recommendation: At the Land Use Advisory Board (LUAB) hearing on December 11, 1998, the LUAB Board voted 9-4 for the denial of the parcel as a receiving area.

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

MOTION: To adopt a resolution approving the request for the Transfer of Development Rights for 44 units and designate PDD98-56 as the receiving area for those units.

- 27. **PDD 98-077** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert and Karl Kahlert, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a convenience store with gas sales (requested use). General Location: NE corner of Lake Worth Road and Lyons Road (**VILLAGE CORNER MUPD**).

Pages 291-315

Size: 17.94 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approval of a MUPD **without** a convenience store with gas sales - as amended, (5-1).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential to Multiple Use Planned Development with a convenience store with gas sales.

F. ZONING PETITIONS

- 28. **DOA 81-163(D)** Development Order Amendment (DOA) petition of 458 Properties and LLC & WRC Properties, by Sara Lockhart, Agent. Request: To reconfigure the site plan. General Location: Approx. 0.25 mile south of Glades Road on the east side of Military Trail (**BOCA CENTER**).

Pages 316-340

Size: 3.75 Acres ±(Affected)
28.62 Acres ±(Total)

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

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

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

- 29. **Z/CA98-057** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petitions of Weaver Development Corp., by James Barretta, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Single Family (RS). Request: To allow a nonprofit assembly, institutional with accessory indoor and outdoor recreational uses (athletic fields). General Location: NE Corner of Military Trail and Old Boynton West Road (**BOYNTON BEACH YMCA**).

Pages 341-358

Size: 11.03 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning

Map Amendment from Agricultural Residential to Residential Single Family.

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow a nonprofit assembly, institutional with accessory indoor and outdoor recreational uses.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR

B. PLANNING DIRECTOR

6. COMMISSION COMMENTS.

7. ADJOURNMENT.