

Board of County Commissioners

Warren H. Newell, Chair
Carol A. Roberts, Vice Chair
Karen T. Marcus
Mary McCarty
Burt Aaronson
Tony Masilotti
Addie L. Greene

County Administrator

Robert Weisman

Department of Planning, Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
Phone: 561-233-5200
Fax: 561-233-5165



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

January 25, 2001

**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

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-4)

3. CONSENT AGENDA (Pages 5-9)

- " Staff
- " Board
- " Public

4. WORKSHOP SESSION (Page 10)

5. REGULAR AGENDA (Pages 10-13)

6. DIRECTOR COMMENTS (Page 13)

7. COMMISSIONER COMMENTS (Page 13)

8. ADJOURNMENT (Page 13)

AGENDA

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

THURSDAY, JANUARY 25, 2001

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 January 25, 2001 at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication - Motion to receive and file.
- E. Swearing In - County Attorney.
- F. Motion to Adopt Agenda.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **Z/CA 98-073(2)** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Light Industrial (IL) and Class A Conditional Use (CA) to allow truck rental petition of Herbert & Karl Kahlert, by Kilday & Assoc., Agent. General Location: SW corner of Hagen Ranch Rd. and Boynton Beach Blvd. (**KAHLERT SSSF**).

Page 1

Size: 4.85 acres ±

BCC District: 5

MOTION: To postpone 30 days until February 22, 2001. (Requested by petitioner. Staff supported.)

2. **PDD00-039** Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Unit Development (MUPD) with financial institution and fast food restaurant (requested uses) petition of Halverson Development by Kieran Kilday, Agent. General Location: NE corner of Lyons Rd. and Hypoluxo Rd. (**TOWN COMMONS MUPD 1**).

Page 2

Size: 19.5 acres ±

BCC District: 3

MOTION: To postpone 30 days until February 22, 2001. (Requested by petitioner. Staff supported.)

3. **DOA 81-186(G)** Development Order Amendment(DOA) to allow a self-service storage facility and truck rental (requested uses) petition of Mini Storage Developers, by Mark Bradford, Agent. General Location: NE corner of Jog Rd. and Lantana Rd. (**LEE SQUARE**).

N/A

Size: 38.19 acres ±

BCC District: 3

MOTION: To postpone 30 days until February 22, 2001. (Postponed by Zoning Commission.)

4. **DOA 96-105(A)** Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-1097; add building square footage; reconfigure master plan; add 2nd self-storage facility and vehicle rental (requested uses) petition of Delray Land Co. of Iowa Inc. and Portalegre, by Land Design South, Agent. General Location: Approx. 0.25 mile east of Jog Rd. on the south side of West Atlantic Ave. (**ATLANTIC CENTER MUPD**).

Page 3

Size: 9.16 acres ±

BCC District: 5

MOTION: To postpone 30 days until February 22, 2001. (Requested by petitioner. Staff supported.)

5. **00-SCA 63 COM 1** Fred Keller, Trustee, by Douglas K. Mattson, Code Inc. Small Scale Land Use Amendment (SCA): Amend land use from Industrial (IND) to Commercial High (CH). General Location: northwest quadrant of Southern Blvd. and the Ronald Reagan Turnpike. (**SOUTHERN/TURNPIKE**)

N/A

Size: 6.69 acre ±

BCC District: 6

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

LPA Recommendation: Approval of the requested future land use change from IND to CH (10-1 vote).

MOTION: To postpone to the March 26, 2001 BCC Transmittal Public Hearing for Comprehensive Plan Amendment Round 01-1.

B. WITHDRAWALS

6. **DOA
91-006(B)** Development Order Amendment (DOA) to allow an automotive service station petition of Murphy Oil USA, Inc., by Thomas Yonge, Agent. General Location: SE corner of Palmetto Park Rd. and SR 7/US 441 (**MURPHY OIL (WAL-MART)**).

Page 4

Size: 0.42 acres ± (affected)
13.82 acres ± (overall)

BCC District: 5

MOTION: None. Withdrawn by petitioner.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A-H REGULAR BCC CONSENT AGENDA

I. REQUESTS TO PULL ITEMS FROM CONSENT

J. ZONING PETITIONS - CONSENT

7. DOA

94-086(B) Development Order Amendment (DOA) to add square footage, children and modify/delete conditions of approval petition of Willie Dean. General Location: Approx. 0.5 mile south of Gun Club Rd. on the west side of Jog Rd. (**SMALL CREATIONS LEARNING CENTER**).

Pages 5-18

Size: 0.66 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add square footage, children and modify/delete conditions of approval.

8. **Z/CA00-073** Official Zoning Map Amendment (Z) from Neighborhood Commercial (CN) and General Commercial (CG) to Community Commercial (CC) and a Class A Conditional Use (CA) to allow a convenience store (no gas sales) petition by Albert Jackman, Agent. General Location: Approx. 230 feet west of Federal Hwy. on the north side of Miner Rd. (**MR. A'S GROCERY**).

Pages 19-31

Size: 0.38 acres ±

BCC District: 7

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Neighborhood Commercial (CN) and General Commercial (CG) to Community Commercial (CC).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a convenience store.

- 9. **W/DOA/CA 84-054(E)** Waiver (W) for setback to property line and separation to residential structure and a Development Order Amendment (DOA) to redesignate land uses and reconfigure site plan and a Class A Conditional Use (CA) to allow a commercial communication tower (200 foot monopole) petition of Palms West Hospital, by Kilday & Associates, Agent. General Location: Approx. 0.1 mile west of Folsom Rd. on the north side of Southern Blvd. (**PALMS WEST HOSPITAL**).

Pages 32-65

Size: 74.32 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a Waiver (W) for setback to property line and separation to residential structure.

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to redesignate land uses and reconfigure site plan.

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a commercial communication tower.

- 10. **PDD/EAC 00-032(A)** Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/PUD/P) and a Resolution approving a Development Order Amendment/Expedited Application Consideration (EAC) to add and delete land area petition of GL Homes, by Robert Bentz, Agent. General Location (parcel 1): Approx. 1.5 mile south of Atlantic Ave. on east side of SR 7/US 441 General Location (parcel 2A): Approx. 1.5 mile north of Boynton Beach Blvd on the west side of SR 7/US 441 General Location (parcel 3): Approx. 0.5 mile north of Boynton Beach Blvd on the west side of SR 7/US 441 (**SUSSMAN PUD**).

Pages 66-114

Size: 451.42 acres ±

BCC District: 3 & 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/PUD/P).

MOTION: To adopt a resolution approving the request for a Development Order Amendment/Expedited Application Consideration (EAC) to add and delete land area.

K. STATUS REPORTS - CONSENT

11. **SR 79-64B** Status Report for Resolution R-91-985 (Petition 79-64B), the petition of Grace Christian Fellowship of P.B. Property owner: Grace Christian Fellowship of Palm Beach County, Inc. General Location: south side of Lark Rd., approx. 0.05 mile east of Congress Ave. Current zoning: RS-Single Family Residential with a Special Exception for a place of worship. (**GRACE CHRISTIAN FELLOWSHIP CHURCH**).

Pages 115-118

Size: 3.27 acres ±

BCC District: 2

MOTION: To approve a time extension until December 3, 2002, for Resolution R-91-985.

12. **SR 80-47.4** Status Report for Resolutions R-80-515 and R-80-516 (Petition 80-47), the petition of Philip T. Warren, Trustee. Property owner: Centex Engle Joint Venture. General Location: west side of 120th Ave. South, and bounded partially on the south by the Hillsboro Canal. Current zoning: Planned Unit Development (**BAY WINDS PUD**).

Pages 119-122

Size: 4.85 acres ± (affected)
987.2 acres ± (overall)

BCC District: 5

MOTION: To approve a time extension until November 18, 2001, for Resolutions R-80-515 and R-80-516.

13. **SR 80-173C.3** Status Report for Resolution R-94-1681 (Petition 80-173C), the petition of Wal-Mart Stores, Inc. Property owner: Wal-Mart Properties, Inc. #1398. General Location: northwest corner of the intersection of Hypoluxo Rd. and Military Trail. Current zoning: CG-General Commercial with a Development Order Amendment to increase square footage (**WAL-MART PLAZA**).

Pages 123-125

Size: 9.75 acres ±

BCC District: 3

MOTION: To approve a time extension until December 5, 2002, for Resolution R-94-1681.

14. **SR 87-152C.2** Status Report for Resolution R-94-778 (Petition 87-152C), the petition of Southern Self Storage. Property owner: Public Storage Inc. General Location: east side of Military Tr., approx. 0.4 mile south of Hypoluxo Rd. Current zoning: CG-General Commercial with a Development Order Amendment to amend master plan; allow self storage - Planned Commercial Development (**SOUTHERN SELF STORAGE**).

Pages 126-128

Size: 8.6 acres ±

BCC District: 3

MOTION: To approve a time extension until November 29, 2002, for Resolution R-94-778.

15. **SR 92-35.3** Status Report for Resolution R-92-1839 (Petition 92-35), the petition of Arthur Rosacker. Property owner: Portalegre Inc. and West Delray Realty, Inc. General Location: south side of West Atlantic Ave., 1/4 mile east of Jog Rd. Current zoning: CG-General Commercial (**FLORAL ACRES**).

Pages 129-131

Size: 2.67 acres ± (affected) BCC District: 5
 9.47 acres ± (overall)

MOTION: To approve a time extension until December 4, 2002, for Resolution R-92-1839.

16. **SR 93-39A** Status Report for Resolutions R-97-2072 and R-97-2073 (Petition 93-39A), the petition of Security Capital Atlantic, Inc. Property owner: P. A., Jr. and E. D. Peterson. General Location: south side of Atlantic Ave., approx. 0.54 mile west of Military Tr. Current zoning: PUD-Planned Unit Development with a Development Order Amendment to add land area (+13.78 acres) and add units (+112 MFR) (**CAMERON PARK PUD**).

Pages 132-134

Size: 38.58 acres ± BCC District: 5

MOTION: To approve a time extension until December 4, 2002, for Resolutions R-97-2072 and R-97-2073.

17. **SR 95-77** Status Report for Resolution R-96-261.1 (Petition 95-77), the petition of Quail Ridge Property Owners Association. Property owner: Jeffrey and Joan Lissauer. General Location: north side of Woolbright Rd. approx. 0.25 mile east of Military Tr. Current zoning: Commercial High Office (CHO) (**WOOLBRIGHT PROFESSIONAL/MEDICAL OFFICE**).

Pages 135-137

Size: 1.5 acres ± BCC District: 3

MOTION: To approve a time extension until November 26, 2002, for Resolution R-96-261.1.

18. **CR 82-71B/E6** Status Report for Resolution R-98-123 (Petition 82-71B), the petition of Manor Forest Homeowners Association. Property owner: Manor Forest Homeowners Assn., Inc. General Location: west side of Lawrence Rd., approx. ½ mile south of Hypoluxo Rd. Current zoning: Planned Unit Development with a Development Order Amendment to transfer 9 units; delete land (41.98 acres) and delete units (-178) (**MANOR FOREST PUD**).

Pages 138-141

Size: 91.6 acres ± BCC District: 3

MOTION: To approve a time extension until December 16, 2001, for condition number E.6. Resolution R-98-123.

19. **CR 87-6C** Status Report for Resolution R-98-2038 (Petition 87-06C), the petition of Robert Cuillo. Property owner: Robert Cuillo. General Location: southwest corner of Congress Ave. and Okeechobee Blvd. Current zoning: General Commercial with a Development Order Amendment to add land area (**LEXUS OF PALM BEACH**).

Pages 142-145

Size: 3.67 acres ±

BCC District: 2

MOTION: To approve a time extension until December 1, 2001, for condition numbers E.10., E.11., E.12. of Resolution R-98-2038.

20. **CR 97-96/E4** Status Report for Resolution R-98-424 (Petition 97-96). Property owner: T. W. & Gertrude K. Winsberg. Location: west side of Jog Rd., 2½ miles north of Atlantic Ave. Current zoning: Multiple Use Planned Development (**WINSBERG FARM MUPD**).

Pages 146-149

Size: 138.56 acres ±

BCC District: 5

MOTION: To approve a time extension until December 1, 2001, for condition number E.4. of Resolution R-98-424.

21. **CR 99-90/E2** Status Report for Resolution R-2000-0572 (Petition 99-090), the petition of Edgar Adamson, Jr. & Hixie Stephens. Property owner: Edgar Adamson Jr. & Hixie Stephens and Marquete T. Gray. General Location: east side of Congress Ave., south of Okeechobee Blvd. Current zoning: General Commercial with a Class A Conditional Use to allow a self-service storage facility (**E & H SELF STORAGE**).

Pages 150-153

Size: 1.46 acres ±

BCC District: 2

MOTION: To approve a time extension until December 1, 2001, for condition number E.2. of Resolution R-2000-0572

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

- END OF CONSENT AGENDA -

4. WORKSHOP SESSION

2:00 P.M. Discussion with the South Florida Water Management District to discuss Minimum Flows and Levels. Countywide

- START OF REGULAR AGENDA -

5. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. CONCURRENT SMALL SCALE LAND USE AMENDMENTS AND ZONING PETITIONS

22. 00-SCA

77 COM 1 Andrew J. Lecolant, by Kevin McGinley, Land Research Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) to Commercial High (CH). General Location: Approx. 0.2 mile south of Lake Worth Rd. and the east side of Military Trail (**MILITARY SELF STORAGE**)

Pages 154-182

Size: 1.58 acre ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from HR-8 to CH with a condition.

LPA Recommendation: Approval of staff’s recommendation of a land use change from HR-8 to CH with a condition (13-0 vote).

MOTION: To adopt an ordinance approving staff’s recommendation for a future land use change from HR-8 to CH with a condition.

23. **Z/CA00-051** Official Zoning Map Amendment (Z) from Residential Medium Density (RM) and Neighborhood Commercial (CN) to General Commercial (CG) and a Class A Conditional Use (CA) to allow a self-service storage facility petition of Andrew J. Lecolant by Kevin McGinley, Agent. General Location: Approx. 0.2 mile south of Lake Worth Rd. and the east side of Military Trail (**MILITARY SELF STORAGE**).

Pages 183-202

Size: 2.23 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential Medium Density (RM) and Neighborhood Commercial (CN) to General Commercial (CG).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a self-service storage facility.

24. **00-SCA**
90 RES 1 Richard Melear-Melear Family Trust/Jog Centre, L.L.C., by Bradley Miller, AICP, Miller Land Planning Consultants, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8). General Location: Approx. 0.25 mile south of Boynton Beach Blvd. on the east side of Jog Rd. (**JOG CENTRE 2/BELLA VERDE**)

Pages 203-248

Size: 9.55 acre ±

BCC District: 5

Staff Recommendation: Approval of the requested future land use change from MR-5 to HR-8.

LPA Recommendation: Approval of the requested future land use change from MR-5 to HR-8. (9-1 vote).

MOTION: To adopt an ordinance approving the request for a future land use change from MR-5 to HR-8.

25. **Z00-070** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential High Density (RH) petition of Jog Centre LLC, by Bradley Miller, Agent. General Location: Approx. 0.25 mile south of Boynton Beach Blvd. on the east side of Jog Rd. (**BELLA VERDE**).

Pages 249-269

Size: 9.5 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential High Density (RH) with a Conditional Overlay Zone (COZ).

C. PREVIOUSLY POSTPONED ZONING PETITIONS

26. **CA**
99-030(A) Class A Conditional Use (CA) to allow a daycare, general, petition of Palm Beach Country Estates Homes, Inc., by Steven Mickley, Agent. General Location: NE corner of 64th Drive North and Donald Ross Rd. (**P.B. COUNTRY ESTATES PRE-SCHOOL**).

Pages 270-293

Size: 2.25 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as amended, (6-1).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a general daycare.

- 27. **Z/DOA
96-062(B)** Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Single Family (RS) and a Development Order Amendment (DOA) to add land area; add students; reconfigure site plan and modify/delete conditions of approval in Resolution R-97-1569 petition of American Heritage School of Boca Delray, Inc. and William R. Laurie, by Kieran J. Kilday, Agent. General Location: Approx. 1,300 feet east of Jog Rd. on the south side of Linton Blvd. (**AMERICAN HERITAGE SCHOOL**).

Pages 294-318

Size: 6.59 acres ± (affected)
40.31 ± (overall)

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Single Family (RS).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to add land area; add students; reconfigure site plan and modify/delete conditions of approval in Resolution R-97-1569.

- 28. **DOA
75-151(C)** Development Order Amendment (DOA) to allow a congregate living facility, type III and an adult daycare, general petition of LandCo Inc., by Land Design South, Agent. General Location: SE corner of Via Flora and Lake Ida Rd. (**DELRAY VILLAS CIVIC SITE**).

Pages 319-342

Size: 5.63 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 (DOA) to allow a congregate living facility, type III.

D. ZONING PETITIONS

**29. PDD/TDR
00-052**

Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) and a Transfer of Development Right (TDR) for 327 units and designate PDD00-052 as the receiving area petition of GL Homes of Florida II Corp, by Kilday & Associates, Agent. General Location: Approx. 2 miles south of Lantana Rd. on the east of SR 7/US 441 and west side of the Florida Turnpike (**VALENCIA IV PUD**).

(under separate cover)

Size: 454.08 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving the request for a Transfer of Development Right (TDR) for 327 units and designate PDD00-052 as the receiving area.

6. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

30. MGTS Code Rewrite Project Update

N/A

31. Update on Nurseries Issues

N/A

B. PLANNING DIRECTOR.

32. Sector Plan Update - Denise Malone, Project Manager

N/A

7. COMMISSION COMMENTS.

8. ADJOURNMENT.