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

JANUARY 8, 2004

**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 AND WITHDRAWALS (Pages 1-3)**

- 3. CONSENT AGENDA (Pages 4-7)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 8-12)**

- 5. DIRECTOR COMMENTS (Page 12)**

- 6. COMMISSIONER COMMENTS (Page 12)**

- 7. ADJOURNMENT (Page 12)**

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

THURSDAY, JANUARY 8, 2004

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 AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD/TDR2003-013** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of E.B. Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of E.B. Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 48 units and to designate this petition as the receiving area. General Location: Approx. 1,200 feet north of Lantana Rd. on the east side of Haverhill Rd. (**BELMONT AT HAVERHILL PUD**).

Page 1

Size: 24.86 acres ±

BCC District: 3

MOTION: To postpone thirty (30) days to January 29, 2004. (Postponed by Zoning Commission.)

- 2. **DOA1996-004C** Title: Resolution approving a Development Order Amendment petition of Lake Worth Self-Storage Ltd. Partnership, by Gentile Mahoney Holloway & Assoc., Agent. Request: To reconfigure site plan, add square footage, redesignate retail to a self service storage facility, and modify/delete conditions of approval. General Location: Approx. 525 ft. west of Florida's Turnpike, on the north side of Lake Worth Rd. (**LAKE WORTH SELF STORAGE**).

Page 2

Size: 17.28 acres ±

BCC District: 6

MOTION: To postpone thirty (30) days to January 29, 2004. (Postponed by Zoning Commission.)

3. **SR 1997-101.3** Status Report for Resolution R-98-408 (Petition 1997-101), the petition of Polo Realty, Inc. Property owner: Polo Realty, Inc. General Location: Approx. 0.5 mile north of Clint Moore Rd. on the east side of Jog Rd. Current zoning: Planned Unit Development (**OXLEY NORTHERN PUD**).

Pages 3-6

Size: 36.95 acres "

BCC District: 5

MOTION: To postpone status report until January 29, 2004. (Requested by the property owner.)

4. **SR 1998-021.2** Status Report for Resolutions R-98-1806 and R-98-1807 (Petition 1998-021), the petition of Robert Whitaker, Trustee. Property owner: A&A Electric Co., Inc. Money, John Adair, Trustee, Linda Illsley, Trustee, Ellen Whitaker, Trustee, Robert J. Whitaker, Tr. General Location: Approx. 0.1 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with a Class A Conditional Use (CA) to allow a Professional/medical office (**CONGRESS PARK II MEDICAL CENTER**).

Pages 7-10

Size: 2.98 acres "

BCC District: 3

MOTION: To postpone status report until February 26, 2004. (Requested by the property owner.)

5. **SR 1998-022.2** Status Report for Resolutions R-98-1808 and R-98-1809 (Petition 1998-022), the petition of Jerry D. McCoy Trust. Property owner: Jerry D. McCoy, TR. General Location: Approx. 0.2 mile west of Congress Ave. on the south side of 6th Ave. S. Current zoning: Commercial Low Office with a Conditional Use A to allow a professional/medical office (**CONGRESS PARK I MEDICAL CENTER**).

Pages 11-14

Size: 3.3 acres "

BCC District: 3

MOTION: To postpone status report until February 26, 2004. (Requested by the property owner.)

B. WITHDRAWALS

6. **DRC2002-062** – Request: To approve the assignment of a Transfer of Development Rights Contract and Escrow Agreement between Coastal One Management, Inc. and Symphony Builders at Lucerne Lakes, LLC. (**PINES AT LUCERNE POINTE**)

Pages N/A

BCC District: 2

MOTION: None required.

7. **DRC 2002-062** Execute a deed conveying 2 Development Rights units to Symphony Builders at Lucerne Lakes, LLC, as authorized by Palm Beach County, Zoning Division, Development Review Committee, which approved the purchase of 2 Development Rights from the County's TDR Bank at a cost of \$10,399.00 per unit and the designation of the Pines at Lucerne Point as a TDR Receiving Area for those units. (**PINES AT LUCERNE POINTE**)

Pages N/A

BCC District: 2

MOTION: None required.

– END OF POSTPONEMENTS AND WITHDRAWALS –

4. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS - CONSENT

- 8. **Z/COZ2003-048** Title: Resolution approving an Official Zoning Map Amendment petition of Debra Swinford, by Mark Rickards, Agent. Request: Rezoning from the Residential High Density (RH) Zoning District to the Light Industrial (IL) Zoning District. General Location: Approx. 1,000 feet west of Boutwell Rd. on the south side of 4th Ave. N. (**SWINFORD REZONING**).

Pages 15-32

Size: 1.14 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 request for a rezoning from the Residential High Density Zoning District to the Light Industrial Zoning District with a Conditional Overlay Zone.

- 9. **PDD2002-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Lawrence Gideon Johnson, by Gentile Holloway O'Mahoney & Associates, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: SEC of Belvedere Rd. and Florida's Turnpike (**JOHNSON PROPERTY MUPD**).

Pages 33-62

Size: 54.63 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

C. ZONING PETITIONS – CONSENT

10. **PDD/TDR2003-021** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Home Dynamics Corp., by Sun-Tech Eng., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of Home Dynamics Corp., by Sun-Tech Eng., Agent. Request: To allow the Transfer of Development Rights for 26 units and to designate this petition as the receiving area. General Location: NEC of Pioneer Rd. and Benoist Farms Rd. (**THE MOUNTS PUD**).

Pages 63-91

Size: 31.41 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving the request for a Transfer of Development Rights for 26 units and to designate this petition as the receiving area.

11. **DOA1998-046A** Title: Resolution approving a Development Order Amendment petition of Place of Hope, Inc., by Boose Casey Ciklin Lubitz Martens McBane O'Connell, Agent. Request: To modify/delete conditions of approval. General Location: NWC of Howell Ln. and Northlake Blvd. (**PLACE OF HOPE PUD**).

Pages 92-112

Size: 9.02 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, 5-0.

MOTION: To adopt a resolution approving the request to modify/delete conditions of approval.

D. PREVIOUSLY POSTPONED STATUS REPORTS

12. **SR 1978-040A** Status Report for Resolution R-1999-104 (Petition 1978-040A), the petition of Nicholas & Joan Wellman. Property owner: Wellman Care, Inc., and Ortega Mgmt. Corp. General Location: NWC of Melaleuca Ln. and Military Tr. Current zoning: General Commercial (**WELLMAN PLAZA**).

Pages 113-116

Size: 3.53 acres "

BCC District: 2

MOTION: To 1) approve a time extension until August 10, 2005, for Resolution 1999-104, and 2) revoke concurrency exemption number 90-09-12-001 for 2,800 s.f. of retail and equivalency determination 20020118 for a 7,250 s.f. daycare.

E. STATUS REPORTS – CONSENT

- 13. **SR 1989-069.9** Status Report for Resolutions R-90-585 and R-90-586 (Petition 1989-069), the petition of Grace Roma. Property owner: J. and Grace Roma. General Location: SWC of Lantana Rd. and Lawrence Rd. Current zoning: Specialized Commercial with a Special Exception to permit a Planned Office Business Park (**ROMA OFFICE COMPLEX**).

Pages 117-120

Size: 5.1 acres?

BCC District: 3

MOTION: To adopt a resolution to amend conditions of approval (zoning) in Resolution R-90-586, and approve a time extension until October 3, 2005, for Resolutions R-90-585 and R-90-586.

- 14. **SR 1991-030.4** Status Report for Resolution R-91-1186 (Petition 1991-030), the petition of Central Baptist Church. Property owner: Central Baptist Church of Jupiter Florida, Inc. General Location: SWC Loxahatchee River Rd. and Roebuck Rd. Current zoning: Single Family Residential with a Special Exception to allow a church or place of worship and accessory buildings (**CENTRAL BAPTIST CHURCH**).

Pages 121-124

Size: 4.5 acres ?

BCC District: 1

MOTION: To approve a time extension until November 9, 2005, for Resolution R-91-1186.

- 15. **SR 1991-042.6** Status Report for Resolution R-1992-364 (Petition 1991-042), the petition of Methodist Church Board of Missions and Church Extension, Inc. Property owner: Faith United Methodist Church of Boynton Beach of Florida, Inc. General Location: Approx. 600 ft. east of Jog Rd. on the south side of Boynton Beach Blvd. Current zoning: Agricultural Residential with a Class A Conditional Use (CA) to allow a church or place of worship, accessory buildings and structures, and day care center (max 60 children) (**FAITH UNITED METHODIST CHURCH OF BOYNTON BEACH OF FLORIDA**).

Pages 125-128

Size: 10.17 acres ?

BCC District: 5

MOTION: To approve a time extension until November 2, 2005, for Resolution R-1992-364.

F. ABANDONMENT RESOLUTIONS

16. **ABN1980-225** Abandonment Resolution: To abandon the special exception for a Planned Industrial Development granted under Resolution R-1981-046. **(MURRAY LOGAN PID)**

Pages 129-131

BCC District: 6

MOTION: To adopt a resolution approving the abandonment of the special exception for a Planned Industrial Development granted under Resolution R-1981-046.

17. **ABN1991-044A** Abandonment Resolution: To abandon a Class A Conditional Use to allow a salvage and junkyard granted by Resolution R-1995-1122. **(FAIRGROUNDS INDUSTRIAL)**

Pages 132-134

BCC District: 6

MOTION: To adopt a resolution approving the abandonment of a Class A Conditional Use to allow a salvage and junkyard.

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 –

5. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. SMALL SCALE LAND USE PLAN AMENDMENTS AND ZONING PETITIONS

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

Pages 135-160

Size: 9.15 acres ±

BCC District: 6

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

LPA Recommendation: Approval of a future land use change from LR-2 to CL-O, with a condition limiting the uses to office only (5-3 vote).

MOTION: To deny the request for a future land use change from LR-2 to CL-O.

19. **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: Approx. 330 feet west of Florida's Turnpike on the south side of Lake Worth Rd. (**MASTROIANNI MUPD**).

Pages 161-184

Size: 9.15 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying the request for a rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

20. **2003-0005 SCA** Aurora Investment IV, Inc, by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Commercial Low, with an underlying 12 units per acre (CL/12), with conditions to Commercial High, with an underlying 12 units per acre (CH/12), with revised conditions. General Location: SWC of Forest Hill Blvd. and Haverhill Rd. (**ABBAY PARK III a.k.a. ABBAY PARK MUPD**).

Pages 185-217

Size: 9.88 acres ±

BCC District: 2

Staff Recommendation: Denial of the applicant's request for a future land use change from CL/12 with conditions to CH/12 with revised conditions.

LPA Recommendation: Approval of an alternative land use change from CL/12 to CL on 3.83 acres of the site fronting Forest Hill Boulevard and CH on the remaining 6.05 acres, (9-0 vote).

MOTION: To deny the request for a future land use change from CL/12 with conditions to CH/12 with revised conditions.

21. **DOA1996-087B** Title: Resolution approving a Development Order Amendment petition of Aurora Investments IV, Inc., by Land Design South, Agent. Request: To reconfigure site plan, add square footage and modify/delete conditions of approval. General Location: SWC of Forest Hill Blvd. and Haverhill Rd. (**ABBAY PARK MUPD**).

Pages 218-251

Size: 9.88 acres ±

BCC District: 2

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution approving the request to reconfigure site plan, add square footage and modify/delete conditions of approval.

22. **2003-0022 SCA** Wayne Legum, by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Commercial High (CH) with cross-hatching on the easternmost 75' of the site to High Residential, 8 units per acre (HR-8). General Location: Approx. 1,200 ft. south of Lake Worth Rd. on the east side of Military Tr. (**MILITARY TRAIL RESIDENTIAL a.k.a. MILITARY TRAIL PUD**).

Pages 252-273

Size: 1.58 acres ±

BCC District: 3

Staff Recommendation: Approval of the applicant's request for a future land use change from CH to HR-8.

LPA Recommendation: Approval of the applicant's request for a future land use change from CH to HR-8, (11-0 vote).

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

23. **PDD2003-012** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Plant Factory Garden Center, by Land Design South, Agent. Request: Rezoning from the General Commercial (CG) and Residential Medium Density (RM) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Approx. 1,200 ft. south of Lake Worth Rd. on the east side of Military Tr. (**MILITARY TRAIL PUD**).

Size: 12.10 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved as advertised, 5-0.

MOTION: To adopt a resolution approving the request for a rezoning from the General Commercial and Residential Medium Density Zoning Districts to the Residential Planned Unit Development District.

Pages 274-299

MOTION: To adopt a resolution approving the abandonment of a special exception to allow a Planned Unit Development, Congregate Living Facility - 3 granted by Resolutions R-89-0345, R-93-1029, R-95-1118, and R-2001-1353.

Pages 300-303

MOTION: To adopt a resolution approving the abandonment of a special exception to allow a Planned Commercial Development granted by Resolution R-90-1458.

Pages 304-307

MOTION: To adopt a resolution approving the abandonment of a Class A Conditional Use to allow a self-service storage facility granted by Resolution R-2001-0146.

Pages 308-311

24. **2003-0035 SCA** Alvin E. Brooks, by Miller Land Planning Consultants. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial High – Office (CH-O). General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**BROOKS OFFICE** a.k.a. **TURTLE COVE PROFESSIONAL**).

Pages 312-345

Size: 2.02 acres ±

BCC District: 3

Staff Recommendation: Denial of the applicant's request for a future land use change from LR-3 to CH-O.

LPA Recommendation: Approval of the applicant's request for a future land use change from LR-3 to CH-O (6-5 vote).

MOTION: To deny the request for a future land use change from LR-3 to CH-O.

25. **Z2003-040** Title: Resolution approving an Official Zoning Map Amendment petition of Alvin E. Brooks by Miller Land Planning, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial High Office (CHO) Zoning District. General Location: Approx. 1,100 feet west of Military Tr. on the south side of Hypoluxo Rd. (**TURTLE COVE PROFESSIONAL**).

Pages 346-372

Size: 2.02 acres ±

BCC District: 3

Staff Recommendation: Denial.

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

MOTION: To deny the request for a rezoning from the Agricultural Residential Zoning District to the Commercial High Office Zoning District.

C. RECEIVE AND FILE ZONING COMMISSION RESOLUTION

26. Resolution approving a Class B Conditional Use for a veterinary clinic. (This item is subject to the approval of item 25). (**TURTLE COVE PROFESSIONAL**)

Pages 373-377

MOTION: To receive and file Zoning Resolution ZR-2003-004.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

27. **PDD/TDR2003-011** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of E. B. Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and Residential Estate (RE) Zoning Districts to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of E. B. Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 39 units and to designate this petition as the receiving area. General Location: NWC of Lantana Rd. and Myers Rd. (**BELMONT AT GREENACRES PUD**).

Pages 378-412

Size: 22.29 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Residential Estate and Agricultural Residential Zoning Districts to the Residential Planned Unit Development District

MOTION: To adopt a resolution approving the request for a Transfer of Development Rights for a maximum of 39 units and to designate this petition as the receiving area.

28. **CA2003-038** Title: Resolution approving a Class A Conditional Use petition of Unico Development Corp., by Urban Land Consulting, Agent. Request: To allow an office/warehouse within the WCRA-O. General Location: Approx. 327 feet west of Wabasso Rd. on the south side of Shawnee Dr. (**WESTGATE OFFICE/WAREHOUSE**).

Pages 413-431

Size: 0.56 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the request to allow an office/warehouse within the WCRA-O.

- 6. **DIRECTOR COMMENTS**
 - A. **ZONING DIRECTOR**
 - B. **PLANNING DIRECTOR**
- 7. **COMMISSIONER COMMENTS**
- 8. **ADJOURNMENT**