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

**JULY 22, 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/WITHDRAWALS (Pages 1-4)**
  
- 3. CONSENT AGENDA (Pages 5-12 )**
  - o Staff
  - o Board
  - o Public
  
- 4. REGULAR AGENDA (Pages 13-17)**
  
- 5. DIRECTOR COMMENTS (Page 16-17)**
  
- 6. COMMISSIONER COMMENTS (Page 17)**
  
- 7. ADJOURNMENT (Page 17)**

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

**THURSDAY, JULY 22, 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/WITHDRAWALS**

**A. POSTPONEMENTS**

- 1. **CA/DOA1986-064B** 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 private school. 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 site plan and add square footage. General Location: Approx. 0.6 mile south of Donald Ross Rd. on the west side of Ellison Wilson Rd. (**HOLY SPIRIT LUTHERAN CHURCH**).

Page 1

Size: 5.25 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to August 26, 2004 (petitioner requested).

- 2. **DOA1992-048C** Title: Resolution approving a Development Order Amendment petition of Muslim Community Center, by Tasnim Uddin & Assoc. Int'l, Inc., Agent. Request: To add land area for off-site parking and to modify a condition of approval. General Location: Approx. 300 feet east of Haverhill Rd. on the north and south sides of Purdy Ln. (**MUSLIM COMMUNITY CENTER**).

N/A

Size: 4.98 acres ±

BCC District: 2

MOTION: None required. (Postponed by Zoning Commission to August 26, 2004).

3. **SR 1989-132.9** Status Report for Resolutions R-90-858 and R-90-859 (Petition 1989-132), the petition of Sami, Roni and Rozanne Sehayik. Property owner: Sami, Roni and Rozanne Sehayik. General Location: NEC of the intersection of S.R. A1A and Richard Rd. Current zoning: Specialized Commercial with a Special Exception to permit a Planned Office Business Park, including a restaurant and lounge (**SEHAYIK CENTRE PCD**).

Pages 2-5

Size: 1.9 acres ±

BCC District: 1

MOTION: To postpone thirty (30) days to August 26, 2004. (Staff postponement)

4. **SR 1995-014.4** Status Report for Resolution R-95-716 (Petition 1995-014), the petition of Mary Mother of Light Maronite Catholic Church. Property owner: Hidden Acres Venture, Inc. General Location: Approx. 600 feet north of Forest Hill Blvd. at the northern terminus of Lone Pine Way. Current zoning: Multiple Family Residential (Medium Density) with a Class A Conditional Use to allow a church or place of worship (**MARY MOTHER OF LIGHT PARISH HALL**).

Pages 6-8

Size: 4.7 acres ±

BCC District: 2

MOTION: To postpone thirty (30) days to August 26, 2004. (Staff postponement)

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

N/A

MOTION: To postpone thirty (30) days to August 26, 2004.

6. **Z/DOA/CA1988-006A** Title: Resolution approving an Official Zoning Map Amendment petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: Rezoning from the Single Family Residential (RS) and Specialized Commercial (CS) Zoning Districts to the Commercial Low Office (CLO) Zoning District. Title: Resolution approving a Development Order Amendment petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: To add land area and add square footage. Title: Resolution approving a Class A Conditional Use petition of Maria Romanelli Trust, by Richard W. Carlson, Jr., Esq., Agent. Request: To allow medical office use. General Location: Approx. 300 feet west of Ohio Rd. on the south side of Lake Worth Rd. (**ROMANELLI OFFICE EXPANSION**).

Page 9

Size: 1.36 acres ±

BCC District: 6

MOTION: None required. (Postponed by Zoning Commission to September 30, 2004).

7. **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. Title: Resolution approving a Transfer of Development Rights petition of ZHK LLC, by Urban Design Studio, Agent. Request: To allow the Transfer of Development Rights for 18 units and to designate this petition as the receiving area. General Location: Approx. 3,000 feet south of Hypoluxo Rd. and one mile west of Military Tr. (**BOYNTON GOLF ESTATES**).

N/A

Size: 8.78 acres ±

BCC District: 3

MOTION: None required. (by right postponement to September 30, 2004).

8. **SR 1989-76.6** Status Report for Resolutions R-90-355 and R-90-356 (Petition 1989-076), the petition of Arminell, Duncan William, and Stanley Allen Mason. Property owner: Arminell Mason, Duncan William Mason, and Stanley Allen Mason. General Location: Approx. 0.3 mile west of Boutwell Rd. on the north side of 2nd Ave. North. Current zoning: Light Industrial with a Special Exception to permit a Planned Industrial Development (**MASON INDUSTRIAL**).

Pages 10-13

Size: 2.0 acres ±

BCC District: 3

MOTION: To postpone sixty (60) days to September 30, 2004. (owner requested).

9. **CR 1997-017** Status Report for Resolutions R-97-769, R-97-770, and R-2002-1011 (Petition 1997-017), the petition of Mecca Farms, Inc. Property owner: Lantana Farm Associates, Inc. General Location: Approx. 0.7 mile north of Northlake Blvd. on the east side of Seminole Pratt Whitney Rd. Current zoning: Special Agriculture with a Class A Conditional Use to allow Type III Excavation (**GROVE EXCAVATION**).

Pages 14-16

Size: 1,631.6 acres ±

BCC District: 1

MOTION: To postpone one-hundred eighty (180) days to January 27, 2004. (Staff postponement)

**B. WITHDRAWALS:**

10. **SR 1975-069G** Status Report for Resolutions R-2001-0430 (Petition 1975-069G), the petition of Wal-Mart Stores, Inc. Property owner: Herrick Holdings, LTD, Michel P. Barberis and Wal-Mart Stores, Inc. General Location: SEC of Seacrest Blvd. and Hypoluxo Rd. Current zoning: General Commercial with a Special Exception to allow a large scale Planned Community Commercial and Shopping Complex including a motel, gasoline station and financial institution (**SAM'S WHOLESALE CLUB**).

Pages 17-19

Size: 2.76 acres ±

BCC District: 7

MOTION: None required.

11. **SR 1996-062B** Status Report for Resolutions R-2001-150 and R-2001-148 (Petition 1996-062B), the petition of American Heritage School of Boca Delray, Inc. and William R. Laurie. Property owner: American Heritage School of Boca Delray, Inc. General Location: Approx. 1,300 feet east of Jog Rd. on the south side of Linton Blvd. Current zoning Residential Single Family with a Class A Conditional Use to allow a private school and daycare. (**AMERICAN HERITAGE SCHOOL**).

Pages 20-23

Size: 33.72 acres ±

BCC District: 5

MOTION: None required.

**– END OF POSTPONEMENTS/WITHDRAWALS –**

**3. CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. ZONING PETITIONS**

- 12. **Z2004-016** Title: Resolution approving an Official Zoning Map Amendment petition of PBC Facilities Development & Operations, by Melanie Borkowski, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: SWC of Randolph Siding Rd. and Jupiter Farms Rd. (**JUPITER FARMS COMMUNITY PARK EXPANSION**).

Pages 24-42

Size: 36.83 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow a commercial sales and service enterprise and a commercial stable granted by Resolution R-81-0205.

MOTION: To adopt a resolution approving the request for a rezoning from the Agricultural Residential Zoning District to the Public Ownership Zoning District.

- 13. **Z/CA2004-021** Title: Resolution approving an Official Zoning Map Amendment petition of The Holiday Organization, by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District. Title: Resolution approving a Class A Conditional Use petition of The Holiday Organization, by Land Design South, Agent. Request: To allow townhouse units. General Location: Approx. 1,550 feet south of Hypoluxo Rd. on the east side of Military Tr. (**COLONY OAKS**).

Pages 43-64

Size: 9.63 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 Agricultural Residential Zoning District to the Single Family Residential Zoning District.

MOTION: To adopt a resolution approving the request for a Class A Conditional Use to allow townhouse units.

14. **Z2004-229** Title: Resolution approving an Official Zoning Map Amendment petition of PBC Facilities Development & Operations, by Melanie Borkowski, Agent. Request: Rezoning from the Multifamily Residential (RM) Zoning District to the Public Ownership (PO) Zoning District. General Location: Northeast corner of Purdy Ln. and Major Rd. (**PURDY LANE STATION**).

Pages 65-79

Size: 1.6 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving the request for a rezoning from the Multifamily Residential Zoning District to the Public Ownership Zoning District.

15. **PDD1998-073(4)** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Herbert F. Kahlert & Karl A. Kahlert, by Kilday and Associates, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Southwest corner of Hagen Ranch Rd. and Boynton Beach Blvd. (**NEW ALBANY POD E**).

Pages 80-117

Size: 23.88 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 a rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

16. **DOA2004-230** Title: Resolution approving a Development Order Amendment petition of Fox Property Venture, by Greenberg Traurig, Agent. Request: Substantial Deviation Determination. Request: To modify a DRI condition of approval. General Location: Approx. 250 feet west of SR 7 on the south side of Fox Trail Rd. South (**FOX DRI SOUTH MUPD**).

Pages 118-142

Size: 9.27 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: The request is not a Substantial Deviation.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify a DRI condition of approval.

**C. PREVIOUSLY POSTPONED STATUS REPORTS – CONSENT**

- 17. **SR 1975-151C** Status report for Resolution R-2001-0149 (Petition 1975-151C), the petition of LandCo, Inc. Property owner: LandCo, Inc. General Location: SEC of Via Flora and Lake Ida Rd. Current zoning: Single Family Residential with a Special Exception for a Planned Unit Development including a Type III Congregate Living Facility (**DELRAY VILLAS CIVIC SITE/VILLA DELRAY WEST PUD**).

Pages 143-146

Size: 5.63 acres ±

BCC District: 5

MOTION: To adopt a resolution to revoke Resolution No. R-2001-0149, a Development Order Amendment which allows a Type III Congregate Living Facility.

- 18. **SR 1984-163A.6** Status Report for Resolution R-94-358 (Petition 1984-163A), the petition of Arcadia Properties. Property owner: Alweiss Enterprises. General Location: Approx. 2 miles north of West Atlantic Ave. on the south side of Steiner Rd., west side of Military Tr. Current zoning: Community Commercial with a Conditional Overlay Zone (**ARCADIA PROPERTIES**).

Pages 147-150

Size: 4.04 acres ±

BCC District: 5

MOTION: To approve a time extension until May 24, 2006, for Resolution R-94-358.

- 19. **SR 1999-077** Status Report for Resolution R-2000-1234 (Petition 1999-077), the petition of Arthur Leibovit/Helen Godfriend/Irving Denmark. Property owner: Weldon Townhouse Limited. General Location: Approx. 375 feet east of SR 7/US441 on the south side of Okeechobee Blvd. Current zoning: Residential Planned Unit Development (**OKEECHOBEE/441 PUD**).

Pages 151-154

Size: 40 acres ±

BCC District: 6

MOTION: To approve a rezoning from the Residential Planned Unit Development (PUD) District to the Single Family Residential (RS) Zoning District on first reading and grant permission to advertise a second public hearing for August 26, 2004.

20. **SR 2000-099** Status Report for Resolution R-2001-0445 (Petition 2000-099), the petition of Whitworth Farms Ltd. Property owner: Whitworth Farms Ltd. General Location: NWC of Hagen Ranch Rd. and Flavor Pict Rd. Current zoning: Multiple Use Planned Development with financial institution as a requested use (**WHITWORTH FARMS**).

Pages 155-158

Size: 15.46 acres ±

BCC District: 5

MOTION: To approve a rezoning from the Multiple Use Planned Development (MUPD) District to the Residential Transitional (RT) Zoning District, and to revoke the requested use for a financial institution on first reading and grant permission to advertise a second public hearing for August 26, 2004.

**D. STATUS REPORTS – CONSENT**

21. **SR 1977-141A.2** Status Report for Resolution R-1999-965 (Petition 1977-141A), the petition of Chevron Products Company. Property owner: Cedars Oil Boca Raton. General Location: NWC of Camino Real and Powerline Rd. Current zoning: General Commercial with a Development Order Amendment to allow a convenience store with gas sales (Requested Use) in a Special Exception for a Planned Commercial Development (**CHEVRON #47205**).

Pages 159-162

Size: 1.08 acres ±

BCC District: 5

MOTION: To approve a time extension until May 27, 2006, for Resolution R-1999-965.

22. **SR 1978-239A.3** Status Report for Resolutions R-2001-0610 and R-2001-0611 (Petition 1978-239B), the petition of St. Herman's Orthodox Church and Ann Throgmorton. Property owner: St. Herman's Orthodox Church. General Location: Approx. 600 ft. south of Hypoluxo Rd. on the west side of Military Tr. Current zoning: Community Commercial with a Special Exception to allow a church and accessory buildings and structures (**ST. HERMAN ORTHODOX CHURCH**).

Pages 163-166

Size: 0.91 acres ±

BCC District: 3

MOTION: To approve a time extension until May 22, 2006, for Resolutions R-2001-0610 and R-2001-0611.

23. **SR 1980-187F.2** Status Report for Resolutions R-1998-0736, R-1998-0737 and R-1998-0738 (Petition 1980-187F), the petition of Trustees of International Church. Property owner: International Church Trust #1. General Location: Approx. 0.3 mile south of Hypoluxo Rd. on the west side of Military Tr. Current zoning: Residential Transitional Suburban with a Class A Conditional Use to allow a Congregate Living Facility, Type 3 including a Retreat House (10 units) (**TRINITY CHURCH**).

Pages 167-170

Size: 33.33 acres ±

BCC District: 3

MOTION: To approve a time extension until May 28, 2006, for Resolutions R-1998-0736, R-1998-0737 and R-1998-0738.

24. **SR 1984-123A.8** Status Report for Resolution R-90-374 (Petition 1984-123A), the petition of Old Dixie Partners. Property owner: Robert A. Wilcox, Trustee. General Location: SEC of the intersection of Richard Rd. and Old Dixie Hwy., bounded on the east by the Florida East Coast Railroad right-of-way. Current zoning: General Commercial with a Special Exception to allow an office/warehouse combination (**WILCOX OFFICE/WAREHOUSE**).

Pages 171-174

Size: 1.9 acres ±

BCC District: 1

MOTION: To approve a time extension until February 27, 2006, for Resolution R-90-374.

25. **SR 1993-002.5** Status Report for Resolution R-93-647 (Petition 1993-002), the petition of Joy of Living Church of God. Property owner: Eustace and Iris A. Douglas. General Location: Approx. 200 ft. south of the intersection of Haverhill Rd. and Pinebreeze Ct., approx. 0.5 mile north of S.R.80 on the west side of Haverhill Rd. Current zoning: Multi Family Residential (Medium Density) with a Class A Conditional Use to allow a church or place of worship (**JOY OF LIVING CHURCH OF GOD**).

Pages 175-178

Size: 1.8 acres ±

BCC District: 6

MOTION: To approve a time extension until May 27, 2006, for Resolution R-93-647.

26. **SR 1999-019.2** Status Report for Resolutions R-99-0967 and R-99-0968 (Petition 1999-019), the petition of Elbert and Melodye Abell. Property owner: Elbert R. and Melodye S. Abell. General Location: Approx. 2,700 feet west of Military Tr. on the south side of Hypoluxo Rd. Current zoning: Residential Transitional Suburban with a Class A Conditional Use to allow a retail nursery (**ABELL'S NURSERY**).

Pages 179-181

Size: 9.41 acres ±

BCC District: 3

MOTION: To approve a time extension until May 27, 2006, for Resolutions R-99-0967 and R-99-0968.

27. **SR 2000-090** Status report for Resolution R-2001-0819 (Petition 2000-090), the petition of Karen Padyjasek. Property owner: Advantage Asset Holdings, Inc. and Dianne D. Carter. General Location: North side of Pahokee Airport. Current zoning: Residential High with a Class A Conditional Use to allow a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground (**SKY DIVE AMERICA**).

Pages 182-185

Size: 3.57 acres ±

BCC District: 6

MOTION: To adopt a resolution to revoke Resolution No. R-2001-0819, a Class A Conditional Use which allows a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground.

28. **SR 2000-102** Status report for Resolutions R-2001-0602 (Petition 2000-102) and R-2002-0610 (Petition 2000-102A), the petitions of Joe Fearnley Trustee. Property owner: Military Forest Storage LLC. General Location: Approx. 1,500 feet south of Forest Hill Blvd. on the west side of Military Tr. Current zoning: Multiple Use Planned Development with self-service storage, truck rental and outside storage (**MILITARY FOREST SELF-STORAGE**).

Pages 186-189

Size: 7.0 acres ±

BCC District: 2

MOTION: To adopt resolutions to rezone from the Multiple Use Planned Development District to the Single Family Residential Zoning District, and to revoke Resolution No. R-2002-0610, which approved a Development Order Amendment to modify/delete conditions of approval.

29. **CR 1989-088A** Status Report for Resolution R-2003-093 (Petition 1989-088A), the petition of SCI Funeral Service of Florida, Inc. Property owner: SCI Funeral Service of Florida, Inc. General Location: NWC of Kirk Rd. and 10th Ave. North. Current zoning: Multi Family Residential (Medium Density) with a Special Exception to add a funeral home to an existing 37 acre cemetery (**MEMORY GARDENS**).

Pages 190-194

Size: 36.72 acres ±

BCC District: 3

MOTION: To 1) adopt a resolution to amend conditions of approval (Engineering) in Resolution R2003-093; and 2) approve a time extension until May 12, 2005, to comply with condition number E.6 of Resolution R-2003-093.

**E. TDR CONTRACT, ESCROW AGREEMENT AND DEED**

- 30. **DRO**  
**2001-026** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Scott Thomson, LLC for the sale and purchase of 1 Transfer of Development Right (TDR) unit from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit as approved by the Palm Beach County Zoning Division, Development Review Officer. Request: Approve an escrow agreement between Palm Beach County, Scott Thomson, LLC, and Carney Legal Group, P.A., (escrow agent) for the sale and purchase of 1 TDR unit from the Palm Beach County TDR Bank at a purchase price of \$15,837.00 per unit, as approved by the Palm Beach County Zoning Division, Development Review Officer. **(HOFFMAN SUBDIVISION)**

Pages 195-202

BCC District: 1

MOTION: To approve a contract for the sale and purchase of 1 development right at a purchase price of \$15,837.00 per unit for a total price of \$15,837.00.

MOTION: To approve an escrow agreement for 1 development right at a purchase price of \$15,837.00 per unit for a total price of \$15,837.00.

- 31. **DRO**  
**2001-026** Execute a deed conveying 1 Development Rights unit to Scott Thomson, LLC as authorized by Palm Beach County, Zoning Division, Development Review Officer which approved the purchase of 1 Development Right from the County's TDR Bank at a cost of \$15,837.00 per unit and the designation of the Hoffman Subdivision as a TDR Receiving Area for that unit. **(HOFFMAN SUBDIVISION)**

Pages 203-204

BCC District: 1

MOTION: To execute a deed conveying 1 Development Right unit to Scott Thomson, LLC, as authorized by Palm Beach County, Zoning Division, Development Review Officer.

- 32. **PDD/TDR**  
**2003-021** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Home Dynamics Corporation, for the sale and purchase of 26 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$13,308.00 per unit as approved by the Palm Beach County Board of County Commissioners on January 8, 2004 by Resolution No. R-2004-0003. Request: Approve an escrow agreement between Palm Beach County, Home Dynamics Corporation and Ruben, McClosky, Smith Schuster & Russell, P.A., (escrow agent) for the sale and purchase of 26 TDR units from the Palm Beach County TDR Bank at a purchase price of \$13,308.00 per unit, as approved by the Palm Beach County Board of County Commissioners on January 8, 2004. **(MOUNTS PUD)**

Pages 205-215

MOTION: To approve a contract for the sale and purchase of 26 development rights at a purchase price of \$13,308.00 per unit for a total price of \$346,008.00.

MOTION: To approve an escrow agreement for 26 development rights at a purchase price of \$13,308.00 per unit for a total price of \$346,008.00.

- 33. **PDD/TDR 2003-021** Execute a deed conveying 26 Development Rights units to Home Dynamics Corporation as authorized in Resolution No. R-2004-0003 which approved the purchase of 26 Development Rights from the County’s TDR Bank at a cost of \$13,308.00 per unit and the designation of the Mounts PUD as a TDR Receiving Area for those units. (**MOUNTS PUD**)

Pages 216-217

MOTION: To execute a deed conveying 26 Development Rights units to Home Dynamics Corporation as authorized in Resolution No. R-2004-0003.

**F. RECEIVE AND FILE ZONING RESOLUTION**

- 34. **CB1999-011** Resolution approving Everglades Farm Equipment Co. (**EVERGLADES FARM EQUIPMENT**)

Pages 218-221

MOTION: To receive and file Zoning Resolution ZR-2004-003.

**G. CORRECTIVE RESOLUTION**

- 35. **DOA1989-127D**

Corrective Resolution: To correct Condition F.1 of Exhibit C of Resolution R 2004-0717. (**WATERFORD CROSSING**)

Pages 222-223

BCC District: 2

MOTION: To adopt a resolution to correct Condition F.1 of Exhibit C of Resolution R-2004-0717.

**H. ABANDONMENT RESOLUTION**

- 36. **ABN1978-201** To abandon a Special Exception to allow a self-service gasoline facility granted under Resolution R-1978-1266 (**STOP & SHOP FOOD & DELI STORES**)

Pages 224-225

BCC District: 2

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow a self-service gasoline facility granted under Resolution R 1978-1266.

**– END OF CONSENT AGENDA –**

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED ZONING PETITIONS

37. [DOA1998-032A](#) Title: Resolution approving a Development Order Amendment petition of Southern Waste Systems, Ltd., by Sara Lockhart, Agent. Request: To modify/delete conditions of approval for a MUPD with a permanent air curtain incinerator. General Location: NEC of Cleary Rd. and Wallis Rd. (**PALM BEACH TRANSFER & RECYCLING**).

Pages

Size: 8.75 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

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

38. [CA/VDB2003-093](#) Title: Resolution approving a Class A Conditional Use and a Voluntary Density Bonus petition of Haverhill Palms LLC, by Land Design South, Agent. Request: To allow a Voluntary Density Bonus of 19 units. General Location: Approx. 250 feet north of Purdy Ln. on the west side of Haverhill Rd. (**HVERHILL PALMS**).

Pages

Size: 3.28 acres ±

BCC District: 2

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying the request for a Class A Conditional Use to allow a Voluntary Density Bonus of 19 units.

39. **PDD2003-085** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Simsational Homes, LLC, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 0.5 mile south of Lake Ida Rd. on the west side of Sims Rd. (**ASPEN GLEN PUD**).

Pages

Size: 11.85 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 a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

40. **PDD2004-014** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Gordon WPB, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. General Location: Approx. 4,400 feet west of Haverhill Rd. on the south side of Belvedere Rd. (**FAIRWAY LAKE PUD**).

Pages

Size: 31.22 acres ±

BCC District: 6

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 recreation facilities including a private golf course and country club granted under Resolution R-1985-0722.

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

- 41. **PDD/TDR2003-045** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of EB Developers, Inc., by Land Design South, Agent. Request: Rezoning from the Agricultural Residential (AR) and Residential Transitional Suburban (RTS) Zoning Districts to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Transfer of Development Rights petition of EB Developers, Inc., by Land Design South, Agent. Request: To allow the Transfer of Development Rights for 36 units and to designate this petition as the receiving area. General Location: Approx. 0.75 mile north of Gateway Blvd. on the west side of Military Tr. (**COLONY LAKES PUD**).

Pages

Size: 37.01 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the abandonment of a Class A Conditional Use to allow a church or place of worship and a general daycare granted by Resolutions R-2002-2199 and R-2003-0112.

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow the parking of one (1) mobile home as a temporary residence granted by Resolution R-80-0518.

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

MOTION: To adopt a resolution approving the request to allow the Transfer of Development Rights for 36 units and to designate this petition as the receiving area.

**C. ZONING PETITIONS**

- 42. **PDD2003-058** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District petition of Coral Lakes Apartments, by Richard W. Carlson, Jr., Esq., Agent. Request: Rezoning from the Residential Planned Unit Development (PUD) District to the Multiple Use Planned Development (MUPD) District. General Location: Approx. 600 feet north of Melaleuca Ln. on the west side of Congress Ave. (**CORAL LAKES CENTER**).

Pages

Size: 18.26 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 Planned Unit Development District to the Multiple Use Planned Development District.

43. **DOA1988-023B** Title: Resolution approving a Development Order Amendment petition of Walker Investment Properties, LLC, by ZPR, Agent. Request: To modify a condition of approval and reconfigure site plan. General Location: Approx. 100 feet north of Palmarita Rd. on the east side of Congress Ave. (**DISCOUNT RENTAL (aka PALM BEACH KAWASAKI)**).

Pages

Size: 1.33 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 Development Order Amendment to modify a condition of approval and reconfigure site plan.

**5. DIRECTOR COMMENTS**

**A. PLANNING DIRECTOR**

**B. ZONING DIRECTOR**

44. TMD Workshop

(under separate cover)

45. Request for Permission to Advertise – Scripps Code Amendments

(under separate cover)

MOTION: Staff recommends a motion to approve on preliminary reading and advertise for 1<sup>st</sup> Reading on September 8, 2004 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS FOLLOWS: TO AMEND ARTICLE 3, OVERLAY & ZONING DISTRICTS; CHAPTER A – GENERAL; CHAPTER B – OVERLAYS; CHAPTER C – STANDARD DISTRICTS; CHAPTER D – PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDS); **ARTICLE 4**, USE REGULATIONS; CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE STANDARDS; CHAPTER D – EXCAVATION; **ARTICLE 5**, SUPPLEMENTARY STANDARDS; CHAPTER A – GENERAL; CHAPTER B – ACCESSORY AND TEMPORARY USES; CHAPTER C – DESIGN STANDARDS; CHAPTER D – PARKS AND RECREATION – RULES AND RECREATION STANDARDS; CHAPTER E – PERFORMANCE STANDARDS; CHAPTER F – LEGAL DOCUMENTS; CHAPTER G – DENSITY BONUS PROGRAM; **ARTICLE 6**, PARKING; CHAPTER A – PARKING; CHAPTER B – LOADING STANDARDS; CHAPTER C – DRIVEWAYS AND ACCESS; **ARTICLE 7** – LANDSCAPING; CHAPTER A – GENERAL; CHAPTER B – TYPES OF PLANS; CHAPTER C – MANAGED GROWTH TIER SYSTEM TIER COMPLIANCE; CHAPTER D – GENERAL STANDARDS; CHAPTER E – INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION; CHAPTER F – PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G – OFF-STREET PARKING REQUIREMENTS; CHAPTER H – ENFORCEMENT; APPENDIX D – CHECKLIST OF STANDARDS THAT CAN BE ALTERED WITH AN APPROVED ALP; **ARTICLE 17** – DECISION MAKING BODIES; CHAPTER A – BOARD OF COUNTY COMMISSIONERS; CHAPTER B – GENERAL PROVISIONS; CHAPTER C – APPOINTED BODIES; CHAPTER D – STAFF OFFICIALS; AND **ARTICLE 18** – DEFINITIONS; CHAPTER A – ZONING DEFINITIONS AND ACRONYMS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

6. **COMMISSIONER COMMENTS**

7. **ADJOURNMENT**