

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



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

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

APRIL 27, 2006

**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 5-7)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 8-14)**

- 5. DIRECTOR COMMENTS (Page 14)**

- 6. COMMISSIONER COMMENTS (Page 14)**

- 7. ADJOURNMENT (Page14)**

Web address: www.pbcgov.com/pzb/

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

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

APRIL 27, 2006

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. **Z/CA2005-477** Title: Resolution approving an Official Zoning Map Amendment application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: Rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District. Title: Resolution approving a Class A Conditional Use application of Levy Ventures Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: To allow a private school. General Location: Southeast corner of Bates Road and Northlake Boulevard (**LEVY LEARNING CENTER**). (Control 2005-193)

N/A

Size: 0.98 acres ±

BCC District: 1

MOTION: None required. (Postponed by the Zoning Commission to May 25, 2006)

- 2. **Z2004-496** Title: Resolution approving an Official Zoning Map Amendment application of Seminole Improvement District, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 0.8 mile east of Seminole Pratt Whitney Road and approximately 0.6 mile north of Persimmon Boulevard (**SEMINOLE IMPROVEMENT DISTRICT**). (Control 2004-348)

Page 1

Size: 40.0 acres ±

BCC District: 6

MOTION: To postpone to May 25, 2006. (Requested by Applicant)

3. **CA2005-1464** Title: Resolution approving a Class A Conditional Use application of St. Mary Coptic Orthodox Church, by Land Research Management, Inc., Agent. Request: To allow a place of worship. General Location: Approximately 0.5 mile south of West Atlantic Avenue on the east side of Lyons Road (**ST. MARY COPTIC ORTHODOX CHURCH**). (Control 2005-509)

N/A

Size: 9.53 acres ±

BCC District: 5

MOTION: None required. (Postponed by the Zoning Commission to May 25, 2006)

4. **CA2005-1122** Title: Resolution approving a Class A Conditional Use application of Amoco Oil by MDM Services, Inc., Agent. Request: To allow a convenience store with gas sales. General Location: Southwest corner of Congress Avenue and Melaleuca Lane (**AMOCO OIL COMPANY**). (Control 1988-094)

N/A

Size: 1.56 acres ±

BCC District: 3

MOTION: None required. (Postponed by the Zoning Commission to May 25, 2006)

5. **Z/COZ2005-1123** Title: Resolution approving an Official Zoning Map Amendment with a Conditional Overlay Zone application of Beatrice Riley, by Land Research Management, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone (COZ). General Location: Northwest Corner of Tall Pines Road and Southern Boulevard (**RILEY REZONING**). (Control 2005-375)

N/A

Size: 0.78 acres ±

BCC District: 6

MOTION: None required. (Postponed by the Zoning Commission to May 25, 2006)

6. **PDD/R/TDR2005-977** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Hypoluxo Jog LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Waiver application of Hypoluxo Jog LLC, by Land Design South, Inc., Agent. Request: To allow deviation from cul-de-sac or dead-end restrictions. Title: Resolution approving a Requested Use application of Hypoluxo Jog LLC, by Land Design South, Inc., Agent. Request: To allow a daycare, general. Title: Resolution approving a Transfer of Development Rights application of Hypoluxo Jog LLC, by Land Design South, Inc., Agent. Request: To allow the Transfer of Development Rights for 86 units and to designate this petition as the receiving area. General Location: Approximately 0.25 miles south of Hypoluxo Road on the east side of Jog Road (**OSPREY OAKS PUD**). (Control 2005-130)

Page 2

Size: 85.78 acres ±

BCC District: 3

MOTION: None required. (By right postponement to May 25, 2006)

7. **SR 1999-029.2** Status Report for Resolution R-2000-0120 (Petition 1999-029), the petition of Monadylina Properties, Inc. Property owner: BDG Delray. General Location: Southwest corner of SR7/US 441 and West Atlantic Avenue. Zoning District: Agricultural Reserve with a Class A Conditional Use to allow a convenience store with gas sales and expansion of indoor entertainment and office use. (**STOP & SHOP**).

Pages 3-8

Size: 5.11 acres ±

BCC District: 5

MOTION: To postpone to May 25, 2006. (Requested by owner)

B. WITHDRAWALS

8. **CA2005-015** Title: Resolution approving a Class A Conditional Use application of Agape United Church of God, Inc., by Carole A. Turk, Agent. Request: To allow a place of worship. General Location: Approximately 0.75 mile east of Jog Road on the south side of Western Way (**AGAPE CHURCH**). (Control 2001-069)

Page 9

Size: 2.0 acres ±

BCC District: 3

MOTION: None required.

9. **SR 1988-065.11** Status Report for Resolutions R-89-1069 and R-89-1070 (Petition 1988-065), the petition of Howard Dardashti. Property owner: Hani Enterprises, Inc., America's Sound, Inc., and Shatara & Sons Enterprises, Inc. General Location: Approximately 0.1 mile south of Lake Worth Road on the west side of Congress Avenue. Zoning District: General Commercial with a Special Exception to permit a Planned Commercial Development (**DARDASHTI PCD**).

Pages 10-14

Size: 0.96 acre ±

BCC District: 3

MOTION: None required.

– END OF POSTPONEMENTS/WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. PREVIOUSLY POSTPONED STATUS REPORTS

10. **SR 2000-069.2** Status Report for Resolution R-2001-0005 (Petition 2000-069), the petition of Linh T. Mai. Property owner: Dung Kim Mackland. General Location: Approximately 300 feet west of Military Trail on the south side of Elmhurst Road. Zoning District: Community Commercial (**ORIENTAL MARKET**).

Pages 15-19

Size: 0.23 acre ±

BCC District: 6

MOTION: To approve a time extension until January 4, 2008, for Resolution R-2001-0005.

D. STATUS REPORTS

11. **SR 2000-096** Status Report for Resolution R-2001-1351 (Petition 2000-096), the petition of PBC BCC FD&O. Property owner: Palm Beach County. General Location: Northeast corner of Southern Boulevard and Australian Avenue. Zoning District: Public Ownership (**EAST CENTRAL REGIONAL GOVERNMENTAL CENTER**).

Pages 20-25

Size: 36 acres ±

BCC District: 2

MOTION: To adopt a resolution to approve a Development Order Amendment to amend conditions of approval (TPS) in Resolution R-2001-1351, and approve a time extension until April 14, 2008 for Resolution R-2001-1351.

12. **SR 2001-025** Status Report for Resolution R-2002-0142 (Petition 2001-025), the petition of Azinta Thompson. Property owner: Church of God of Prophecy. General Location: Approximately 150 feet east of Haverhill Road on the north side of Vilma Lane. Zoning District: Residential High Density with a Class A Conditional Use to allow a church or place of worship (**CHURCH OF GOD OF PROPHECY**).

Pages 26-31

Size: 0.92 acres ±

BCC District: 2

MOTION: To approve a time extension until January 31, 2008 for Resolution R-2002-0142.

13. [CR 2001-076/L1](#) Status Report for Resolution R-2004-294 (Petition 2001-076), the petition of DR Horton. Property owner: D.R. Horton, Inc. General Location: Approximately 660 feet south of Belvedere Road on the west side of Jog Road. Zoning District: Planned Unit Development (**JOHNSON PUD**).

Pages 32-38

Size: 181.79 acres ±

BCC District: 6

MOTION: To direct staff of the Code Enforcement Division to cite the property owner for failure to comply with Condition L.1. of Resolution No. R-2004-294.

E. RECEIVE AND FILE ZONING RESOLUTION

14. [CB2001-010](#) Resolution revoking Resolution ZR-2001-005 affirming the Administrative Abandonment to allow an existing financial institution with 3 drive thru lanes (**BANK ATLANTIC**) (Control 2001-010)

Pages 39-42

MOTION: To receive and file Zoning Resolution ZR-2006-001.

F. CORRECTIVE RESOLUTIONS

15. [Corrective Resolution:](#) To correct the All Petitions Condition 1 of Exhibit C in Resolution R-2006-0519 (**MINI-ASSEMBLAGE PUD**). (DOA2005-1465, Control 2005-008)

Pages 43-44

MOTION: To adopt a resolution to correct Resolution R-2006-0519.

16. [Corrective Resolution:](#) To correct the Building and Site Design Condition 2 of Exhibit C in Resolution R-2006-0521. (**FIVE PARTNERS, LTD**) (COZ2005-1136, Control 2005-129)

Pages 45-46

MOTION: To adopt a resolution to correct Resolution R-2006-0521.

17. [Corrective Resolution:](#) To add the Landscaping Along the West Property Line (Frontage of Military Trail) Conditions 1 and 2 of Exhibit C in Resolution R-2006-0282. (**LANDMARK AUTOCARE**) (DOA2005-988, Control 1982-152)

Pages 47-48

MOTION: To adopt a resolution to correct Resolution R-2006-0282

18. [Corrective Resolution](#): To correct the Transfer of Development Rights Condition 1 of Exhibit C-1 of Resolution R-2006-0522. (**WYNDSONG RANCH**) (R/TDR2005-1233, Control 2005-452)

Pages 49-52

MOTION: To adopt a resolution to correct Resolution R-2006-0522

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. STATUS REPORTS

19. **SR 1994-13.6** Status Report for Resolutions R-95-435 and R-2005-1122 (Petition 1994-013), the petition of Chimu, Inc. Property owner: Chimu, Inc. General Location: Approximately 0.25 mile west of Military Trail on the north side of Hypoluxo Road. Zoning District: Multiple Use Planned Development District (**CHIMU SHOPPING CENTER**).

Pages 53-58

Size: 8.55 acres ±

BCC District: 3

MOTION: To adopt a resolution approving a Development Order Amendment to amend conditions of approval (TPS) in Resolution R-2005-1122, and approve a time extension until March 30, 2008 for Resolution R-95-435 and R-2005-1122.

20. **SR 1998-058.3** Status Report for Resolution R-1999-0706 (Petition 1998-058), the petition of Hovsons, Inc. Property owner: Melrose Land Holding Enterprises, Inc. General Location: Approximately 1 mile south of Hypoluxo Road on the east side of the Florida Turnpike and the LWDD L-20 Canal. Zoning District: Residential Transitional Suburban (**MELROSE EAST REZONING**).

Pages 59-64

Size: 12.73 acres ±

BCC District: 3

MOTION: To approve a time extension until January 22, 2008 for Resolution R-1999-0706.

D. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING APPLICATION

21. **SCA 2006-00001** The Rendina Companies, Inc. by Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Institutional (INST) to Commercial Low-Office (CL-O), subject to a condition to limit the site to a maximum of 128,850 square feet of Commercial Low-Office uses. General Location: Northeast corner of Belvedere Road and State Road 7. **(STATE ROAD 7/BELVEDERE OFFICE a.k.a. CORPORATE CENTER WEST)**

Pages 65-90

Size: 9.86 acres ±

BCC District: 6

Staff Recommendation: Approval of the requested future land use change from INST to CL-O, subject to a condition.

LPA Recommendation: Approval of the requested future land use change from INST to CL-O, subject to a condition.

MOTION: To adopt an ordinance to approve the request for a future land use change from INST to CL-O, subject to a condition.

22. **PDD2005-1134** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of The Rendina Companies, Inc., by Basehart Consulting, Inc., Agent. Request: Rezoning from the Public Ownership (PO) Zoning District to the Multiple Use Planned Development (MUPD) District General Location: Northeast corner of Belvedere Road and State Road 7/US 441 **(CORPORATE CENTER WEST)**. (Control 2005-341)

Pages 91-108

Size: 9.86 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Public Ownership Zoning District to the Multiple Use Planned Development District.

E. PREVIOUSLY POSTPONED ZONING APPLICATION

23. [DOA/W2005-480](#) Title: Resolution approving a Development Order Amendment application of Prime Projects Development, LLC, by Kilday & Associates, Inc., Agent. Request: To re-designate land use from recreation to residential, reconfigure the master plan, and add units. Title: Waiver. To allow deviation from cul-de-sac and/or deadend restrictions. General Location: Southwest corner of Grand Lacuna Boulevard and Rolling Hills Boulevard (**BALMORAL (LACUNA) COUNTRY CLUB POD H**). (Control 1981-233)

Pages 109-146

Size: 9.49 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Denied, 6-1.

MOTION: To adopt a resolution approving a Development Order Amendment to re-designate land use from recreation to residential, reconfigure the master plan, and add units.

MOTION: To adopt a resolution approving a Waiver to allow deviation from cul-de-sac and/or deadend restrictions.

F.24. REQUEST FOR PERMISSION TO ADVERTISE – PLACES OF ASSEMBLY AMENDMENTS

Pages 147-164

MOTION:

Option A: **Motion to approve Exhibit A, Places of Assembly Amendments** (amendments as originally proposed on February 23, 2006, including size limits) **on preliminary reading and advertise for 1st Reading on May 25, 2006 at 9:30 a.m.;** or

Option B: **Motion to approve Exhibit B, Places of Assembly Amendments** (amendments as proposed originally proposed on February 23, 2006, deleting proposed size limits) **on preliminary reading and advertise for 1st Reading on May 25, 2006 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 AMENDED, AS RELATED TO PLACES OF ASSEMBLY, AS FOLLOWS: **ARTICLE 1** – GENERAL PROVISIONS; CHAPTER I – DEFINITIONS AND ACRONYMS; **ARTICLE 3** – OVERLAYS & ZONING DISTRICTS; CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F – TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4** – USE REGULATIONS; CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE STANDARDS; **ARTICLE 6** – PARKING; CHAPTER A – PARKING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Staff Recommendation: OPTION B - LDRAB recommended approval of the proposed size limits, based on staff recommendations; however, they did not have the benefit of industry objections raised at the forum meeting. Staff is proposing to delete the size and seating limitations from the proposed amendments, and if necessary or directed by the BCC, bring alternate options back at a later date. Until such time, compatibility issues will continue to be addressed by existing ULDC provisions and BCC conditions developed on a case-by-case basis. This will allow for other amendments related to parking and legal consistency issues to move forward at this time.

G. TRANSMITTAL PUBLIC HEARING FOR ROUND 06-D1 - CALLERY JUDGE GROVE DEVELOPMENT OF REGIONAL IMPACT (DRI) RELATED AMENDMENTS

25. TRADITIONAL TOWN DEVELOPMENT OVERLAY

Callery Judge Grove, L.P. by Kieran J. Kilday and Robert P. Diffenderfer, Application to amend the Future Land Use Element to: Establish the Traditional Town Development Overlay on the Callery Judge Grove site and define allowable uses and characteristics of this overlay; Identify the Traditional Town Development Overlay as a Limited Urban Service Area (LUSA); Modify policies related to the Traditional Town Development Future Land Use Designation; Modify Table 2.2.10-1 to restrict its applicability to Traditional Town Developments of 600 acres or less; Modify policies related to limited urban service areas; Modify the implementation section to modify requirements of the Traditional Town Development Future Land Use Designation, by establishing that the Traditional Town Development Future Land Use Designation may be located outside of any tier and provide a description of the purpose of the Traditional Town Development Overlay; and Revising Map LU 1.1, Managed Growth Tier System, to remove the Callery Judge Grove site from the Rural Tier; and Revise Map LU 2.1, Service Areas, and Map LU 3.1, Special Planning Areas, to identify the Traditional Town Development Overlay as a Limited Urban Service Area (LUSA).

Pages 165-183

Staff Recommendation: Denial of the applicant's request.

LPA Recommendation: Approval of the applicant's request (6-5 vote).

MOTION: To deny the proposed amendment.

26. FLUE POLICY 3.5-D MODIFICATIONS

Callery Judge Grove, L.P. by Kieran J. Kilday and Robert P. Diffenderfer, Application to modify Future Land Use Element Policy 3.5-d (Traffic Analysis Requirements) to exempt the proposed Traditional Town Development Overlay (Callery Judge Grove site) from the requirements of this policy.

Pages 184-211

Staff Recommendation: Denial of the applicant's request.

LPA Recommendation: Denial of the applicant's request (6-5 vote).

MOTION: To deny the proposed amendment.

27. **CALLERY JUDGE GROVE FUTURE LAND USE ATLAS (FLUA) AMENDMENT**

LGA 2006-00015: Callery Judge Grove, L.P. by Kieran J. Kilday and Robert P. Diffenderfer, Application to amend the Future Land Use Atlas from Residential, 1 unit per 10 acres (RR-10) to Traditional Town Development with underlying 5 units per acre (TTD/5), and to remove the site from the Rural Tier. General Location: East and west of Seminole Pratt-Whitney Rd., south of 60th St. N and north of 50th St. N, east of Mead Hill Dr. and 44th St. N, east of 190th Terrace N, and west of 140th Avenue.

Pages 212-304

Size: 3,923.71 acres ±

BCC District: 6

Staff Recommendation: Denial of the applicant's request for a future land use change from RR-10 to TTD/5, and removal from the Rural Tier.

LPA Recommendation: Approval of the applicant's request for a future land use change from RR-10 to TTD/5, and removal from the Rural Tier (6-5 vote).

MOTION: To deny the proposed amendment.

28. **CALLERY JUDGE GROVE CRALLS**

Callery Judge Grove, L.P. by Kieran J. Kilday and Robert P. Diffenderfer, Application to amend the Transportation Element & Map Series (Map TE 15.1) to designate four intersections as Constrained Roadways at a Lower Level of Service (CRALLS) facility exclusively for the purpose of concurrency for the proposed Callery Judge Groves DRI): State Road 7/Okeechobee Boulevard; Beeline Highway/Northlake Boulevard; Jog Road/Okeechobee Boulevard and Royal Palm Beach Boulevard/Okeechobee Boulevard

Pages 305-341

Staff Recommendation: Denial of the applicant's request.

LPA Recommendation: Denial of the applicant's request (6-5 vote).

MOTION: To deny the proposed amendment.

29. **CALLERY JUDGE GROVE TIM AND 2020 MAP AMENDMENTS**

Callery Judge Grove, L.P. by Kieran J. Kilday and Robert P. Diffenderfer, Application to amend the Transportation Element & Map Series to: Increase the laneage for Seminole Pratt-Whitney Road from Orange Boulevard to Southern Boulevard on the 2020 Roadway System by Number of Lanes Map (Figure TE 1.1) from 4 to 6 lanes; Increase the laneage for Persimmon Boulevard from 140th Avenue to Royal Palm Beach Boulevard on the 2020 Roadway System by Number of Lanes Map (Figure TE 1.1) from 2 to 4 lanes; Designate the intersection of Beeline Highway and Northlake Boulevard on the 2020 Roadway System by Number of Lanes Map (Figure TE 1.1) as an Urban Interchange; Designate the intersection of Beeline Highway and Northlake Boulevard on the Thoroughfare Right-of-Way Identification Map (Figure TE-14.1), as an Urban Interchange; and Designate the intersection of SR7 and Okeechobee Boulevard on the Thoroughfare Right-of-Way Identification Map (Figure TE-14.1), as an Urban Interchange.

Pages 342-373

Staff Recommendation: Denial of the applicant's request.

LPA Recommendation: Denial of the applicant's request (6-5 vote).

MOTION: To deny the proposed amendment.

- 5. **DIRECTOR COMMENTS**
 - A. **COUNTY ATTORNEY**
 - B. **ZONING DIRECTOR**
 - C. **PLANNING DIRECTOR**
- 6. **COMMISSIONER COMMENTS**
- 7. **ADJOURNMENT**