

**Board of County Commissioners**

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

**County Administrator**

Robert Weisman

**Department of Planning, Zoning & Building**  
100 Australian Avenue  
West Palm Beach, FL 33406  
Phone: 561-233-5200  
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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING**

**AMENDMENTS TO THE AGENDA**

**MARCH 23, 2006**

**AGENDA ITEM #**  
**PAGE #**

**APPLICATION/CHANGE**

**AMENDMENTS TO THE AGENDA**

18.  
Page 121

**DOA2005-304 – VISTA CENTER PARCEL 21N, M & S**

Additional motion to read as follows:

**MOTION:** This is not a Substantial Deviation Determination.

Tony Masilotti, Chairman  
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**BOARD OF COUNTY COMMISSIONERS  
ZONING MEETING  
AGENDA INDEX**

**MARCH 23, 2006**

**THURSDAY  
9:30 AM**

**McEADDY CONFERENCE ROOM  
301 N. OLIVE AVENUE**

**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/REMANDS/WITHDRAWALS/DELETIONS (Pages 1-5)**

**3. CONSENT AGENDA (Pages 6-9)**

- o Staff
- o Board
- o Public

**4. REGULAR AGENDA (Pages 10-12)**

**5. DIRECTOR COMMENTS (Page 12)**

**6. COMMISSIONER COMMENTS (Page 12)**

**7. ADJOURNMENT (Page 12)**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

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

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

**MARCH 23, 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/REMANDS/WITHDRAWALS/DELETIONS**

**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 April 27, 2006)

- 2. **DOA2005-480** 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. General Location: Southwest corner of Grand Lacuna Boulevard and Rolling Hills Boulevard (**BALMORAL (LACUNA) COUNTRY CLUB POD H**). (Control 1981-233)

N/A

Size: 9.49 acres ±

BCC District: 3

MOTION: To postpone to April 27, 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)

Page 1

Size: 9.75 acres ±

BCC District: 5

MOTION: None required. (Postponed by the Zoning Commission to April 27, 2006.)

4. **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 2

Size: 40.0 acres ±

BCC District: 6

MOTION: To postpone to April 27, 2006. (Requested by Applicant)

5. **SR2000-069.2** Status Report for Resolution R-2001-0005 (Petition 2000-069), the petition of Linh T. Mai. Property owner: Michele J. Valdez. General Location: Approximately 300 feet west of Military Trail on the south side of Elmhurst Road. Zoning District: Community Commercial (**ORIENTAL MARKET**).

Pages 3-4

Size: 0.23 acres ±

BCC District: 6

MOTION: To postpone to April 27, 2006. (Requested by staff)

6. **Z/COZ1976-101(A)** Title: Resolution approving an Official Zoning Map Amendment application of PBC BCC, Warren H. Newell, Chairman, by PBC Zoning Division, Agent. Request: Rezoning from Preservation/Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 1,000 feet northeast of the Port of Palm Beach, approximately 1,500 feet due west of Lake Worth Inlet and approximately 0.1 mile south of Blue Heron Boulevard (**PEANUT ISLAND REZONING**).

Page 5

Size: 84 acres ±

BCC District: 1

MOTION: To postpone 180 day to September 28, 2006. (Requested by Applicant)

**B. REMANDS**

7. **PDD/R/TDR/W2005-1322** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Lake Worth Growers, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use application of Lake Worth Growers, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To allow the Transfer of Development Rights for 36 units and to designate this application as the receiving area. Title: Resolution approving a Waiver application of Lake Worth Growers, Inc., by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: To allow deviation from cul-de-sac and/or dead-end restrictions. General Location: Northeast corner of Lantana Road and Fearnley Drive (**FAIRWAY VIEW OF THE PALM BEACHES**). (Control 2005-449)

N/A

Size: 16.97 acres ±

BCC District: 2

MOTION: To remand to the April 12, 2006, Development Review Officer meeting.

8. **Z/COZ2005-383** Title: Resolution approving an Official Zoning Map Amendment application of Turtle Cove LLC, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial High Office (CHO) Zoning District. General Location: Approximately 1,100 feet west of Military Trail on the south side of Hypoluxo Road (**TURTLE COVE PROFESSIONAL**). (Control 2003-040)

Page 6

Size: 2.02 acres ±

BCC District: 3

MOTION: To remand to the May 10, 2006, Development Review Officer meeting.

**C. WITHDRAWALS**

9. **SR1984-054D.2** Status Report for Resolution R-94-501 (Petition 1984-054D), the petition of Palms West Hospital, Inc. Property owner: Palms West Hospital Inc. and Palms West Property Owners Assn. Inc. General Location: Approximately 0.1 mile west of Folsom Road, on the north side of S.R. #80. Zoning District: Institutional and Public Facility with a Special Exception for a medical center; day care center (max. 100 children), 125 bed ACLF-Type III; and a Class A Conditional Use to permit a tower. (**PALMS WEST HOSPITAL**).

Pages 7-12

Size: 47.03 acres ±

BCC District: 6

MOTION: None required.

10. **SR 1986-013.9** Status Report for Resolutions R-86-573-26 and R-86-573-27 (Petition 1986-013), the petition of Forrest C. Mobley, TR. Property owner: Gun Club LLC. General Location: Approximately 200 feet west of Military Trail on the south side of Gun Club Road. Zoning District: Specialized Commercial with a Special Exception to allow a Planned Office Business Park (**BELFER OFFICE PARK**).

Pages 13-17

Size: 6.9 acres ±

BCC District: 2

MOTION: None required.

11. **SCA2005-00028** Turtle Cove, LLC by Miller Land Planning Consultants, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial High-Office, with an underlying 3 units per acre (CH-O/3). General Location: Approximately 1,100 feet west of Military Trail on the south side of Hypoluxo Road. (**BROOKS OFFICE II aka TURTLE COVE PROFESSIONAL**)

Page 18

Size: 2.02 acres ±

BCC District: 3

Staff Recommendation: Denial of the requested future land use change from LR-3 to CH-O/3.

LPA Recommendation: Approval of the requested future land use change from LR-3 to CH-O/3. (8-3 vote).

MOTION: None required.

12. **DOA2005-633** Title: Resolution approving a Development Order Amendment application of Palmetto Park Road Associates, Ltd., by F. Martin Perry & Associates, P.A., Agent. Request: To modify/delete conditions of approval. General Location: Northwest corner of State Road 7/US 441 and Palmetto Park Road (**WEST BOCA SQUARE**). (Control 1980-114)

Page 19

Size: 33.99 acres ±

BCC District: 5

MOTION: None required.

**D. DELETION OF ZONING APPLICATION RECONSIDERATION**

13. **PDD/W2004-811** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of M/I Homes of West Palm Beach, LLC, by Julian Bryan & Associates, 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 M/I Homes of West Palm Beach, LLC, by Julian Bryan & Associates, Agent. Request: To allow deviation from cul-de-sac and dead-end restrictions. General Location: Northeast corner of West Atlantic Avenue and Florida's Turnpike (**ATLANTIC COMMONS PUD**). (Control 2004-525)

N/A

Size: 123.62 acres ±

BCC District: 5

MOTION: To delete this item from the agenda.

**– END OF POSTPONEMENTS/REMANDS/WITHDRAWALS/DELETIONS –**

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. ZONING APPLICATIONS

14. **Z/COZ2005-1136** Title: Resolution approving an Official Zoning Map Amendment application of Five Partners, Ltd., by Boose, Casey, Ciklin, Lubitz, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District. General Location: Southwest corner of Bischoff Road and Jog Road (**FIVE PARTNERS, LTD.**). (Control 2005-129)

Pages 20-39

Size: 0.94 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 Agricultural Residential Zoning District to the Light Industrial Zoning District with a Conditional Overlay Zone.

15. **DOA/EAC2005-1716** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration application of Belvedere Isles Developers Inc., by Land Design South, Inc., Agent. Request: To modify a condition of approval. General Location: Northwest corner of Golden Lakes Boulevard and Belvedere Road. (**BELVEDERE ISLES II PUD**) (Control 2003-090)

Pages 40-60

Size: 25.58 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

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



16. **DOA/EAC2006-284** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration application of Anasca Communities LLC, by Richard W. Carlson, Jr., Esq, Agent. Request: To delete land area and reconfigure the site plan. General Location: Northwest corner of Hagen Ranch Road and West Atlantic Avenue. **(TERRA NOVA PUD)** (Control 2004-456)

Pages 61-91

Size: 93.67 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area and reconfigure the site plan.

17. **DOA/EAC2006-286** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration application of CJB Real Estate Management, by Julian Bryan & Associates, Agent. Request: To add land area and reconfigure the site plan. General Location: Northeast corner of West Atlantic Avenue and Florida's Turnpike. **(ATLANTIC COMMONS PUD)** (Control 2004-525)

Pages 92-120

Size: 124.72 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving a Development Order Amendment to add land area and reconfigure the site plan.

18. **DOA2005-304** Title: Resolution approving a Development Order Amendment application of Athena Vista Ltd., by Juran Consulting, Inc., Agent. Request: To add an access point. General Location: Northeast corner of Okeechobee Boulevard and Jog Road. **(VISTA CENTER PARCEL 21N, M & S)** (Control 1984-130)

Pages 121-161

Size: 12.28 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to add an access point.

19. **PDD/DOA/R2005-1465** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Boynton Beach XXI, LLP, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Development Order Amendment application of Boynton Beach XXI, LLP, by Kilday & Associates, Inc., Agent. Request: To add land area, add units and reconfigure the master plan. Title: Resolution approving a Requested Use application of Boynton Beach XXI, LLP, by Kilday & Associates, Inc., Agent. Request: To allow a school, secondary or elementary. General Location: Northwest corner of Woolbright Road and Hagen Ranch Road (**MINI-ASSEMBLAGE PUD**). (Control 2005-008)

Pages 162-196

Size: 157.88 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

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

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, add units and reconfigure the master plan.

MOTION: To adopt a resolution approving a Requested Use to allow a school, secondary or elementary.

#### D. PREVIOUSLY POSTPONED STATUS REPORTS

20. **SR1998-062.4** Status Report for Resolution R-99-99 (Petition 1998-062), the petition of Pike Investments, Inc. and Capital Resources Group, Inc. Property owner: Whiteside Group, Inc. General Location: Approximately 1,000 feet east of Pike Road on the north side of 7th Place North. Zoning District: Light Industrial (**WEITZ AND SPARLING REZONING**).

Pages 197-202

Size: 10.00 acres ±

BCC District: 6

MOTION: To approve a time extension until January 1, 2007, for Resolution R-99-99.

## CONSENT AGENDA

21. **SR1992-007.7** Status Report for Resolutions R-1993-515 and R-1993-516 (Petition 1992-007), the petition of Shirley K. Bernstein and Ann K. Schulman. Property owner: Morningstar Nursery, Inc. General Location: Northeast corner of Hypoluxo Road and Military Trail. Zoning District: Community Commercial with a Special Exception for a Planned General Commercial Development, including a fast food restaurant with drive-thru window, auto service station (automatic) and financial institution with 3 drive-up tellers (**LIPKINS PCD**).

Pages 203-209

Size: 7.92 acres ±

BCC District: 3

MOTION: To approve a time extension until July 6, 2007, for Resolutions R-1993-515 and R-1993-516.

### E. STATUS REPORTS

22. **SR1983-078B** Status Report for Resolution R-2002-2197 (Petition 1983-078B), the petition of West Boca Presbyterian Church. Property owner: West Boca Presbyterian Church, Inc. General Location: Approximately 0.25 mile south of Palmetto Park Road on the east side of Hammock Street. Zoning District: Residential Single Family with a Special Exception to allow accessory buildings and structures. (**WEST BOCA PRESBYTERIAN CHURCH**).

Pages 210-216

Size: 0.12 acres ±

BCC District: 5

MOTION: To approve a time extension until December 9, 2007, for Resolution R-2002-2197.

23. **SR1997-043.2** Status Report for Resolutions R-97-1594 and R-97-1595 (Petition 1997-043), the petition of Salvation Army. Property owner: Salvation Army. General Location: Southwest corner of Lake Worth Road and Kirk Road. Zoning District: Residential Single Family with a Class A Conditional Use to allow a church or place of worship and an assembly, nonprofit institutional (**SALVATION ARMY CHURCH AND ASSEMBLY**).

Pages 217-222

Size: 5.59 acres ±

BCC District: 3

MOTION: To 1) revoke the concurrency reservation for the 8,750 square foot building (assembly building and caretaker quarters); and 2) delete the 8,750 square foot building from site plan exhibit number 1.

– 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

24. **SR1995-106B.3** Status Report for Resolution R-98-1794 (Petition 1995-106), the petition of Callery-Judge Groves. Property owner: FWI 20 LLC., Outparcel LLC., Mobil Oil Corp. General Location: Northeast corner of Seminole Pratt-Whitney Road and Persimmon Street. Zoning District: Multiple Use Planned Development with a Development Order Amendment to add a medical office and veterinary clinic (requested uses) (**THE GROVE MARKET**).

Pages 223-228

Size: 9.98 acres ±

BCC District: 6

MOTION: To approve a time extension until December 10, 2007, for Resolution R-98-1794.

25. **CR1987-006D** Status Report for Resolution R-2003-0939 (Petition 1987-006D), the petition of Autonation Imports of Palm Beach, Inc. Property owner: Autonation Imports Palm Beach Inc. General Location: Southwest corner of Congress Avenue and Okeechobee Boulevard. Zoning District: General Commercial with a Special Exception for Vehicle Sales and Rental (**LEXUS OF PALM BEACH**).

Pages 229-234

Size: 4.04 acres ±

BCC District: 2

MOTION: To direct Code Enforcement to cite the property owner for failure to 1) comply with Condition E.6. of Resolution R-2003-0939; and 2) have all required landscaping installed.

**D. ZONING APPLICATIONS**

26. **PDD/R/TDR/W2005-1233** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Paramount Hagan, LLC, by Basehart Consulting, Inc., Agent. Request: Rezoning from the Residential Transitional Suburban (RTS) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use application of Paramount Hagan, LLC, by Basehart Consulting, Inc., Agent. Request: To allow the Transfer of Development Rights for 5 units and to designate this application as the receiving area. Title: Resolution approving a Waiver application of Paramount Hagan, LLC, by Basehart Consulting, Inc., Agent. Request: To allow deviation from cul-de-sac and/or dead-end restrictions. General Location: Approximately 1.25 miles south of Boynton Beach Boulevard on the east side of Hagen Ranch Road (**WYNDSONG RANCH**). (Control 2005-452)

Pages 235-258

Size: 15.72 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

DISCLOSURE

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Residential Transitional Suburban Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution approving a Requested Use to allow the Transfer of Development Rights for 5 units and to designate this application as the receiving area.

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

27. **CA2005-1462** Title: Resolution approving a Class A Conditional Use application of Atlantic Federal Savings and Loan, by Corporate Property Services, Inc., Agent. Request: To allow a financial institution. General Location: Northeast corner of Jog Road and West Atlantic Avenue (**BANK ATLANTIC**). (Control 2001-010)

Pages 259-277

Size: 1.10 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

DISCLOSURE

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a financial institution.

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