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

JANUARY 5, 2006
(NOVEMBER AND DECEMBER MEETING)

**THURSDAY
9:30 AM-**

**SOLID WASTE AUTHORITY
AUDITORIUM**

- 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 5-13)**
 - o Staff
 - o Board
 - o Public

- 4. REGULAR AGENDA (Pages 14-21)**

- 5. DIRECTOR COMMENTS (Page 21)**

- 6. COMMISSIONER COMMENTS (Page 21)**

- 7. ADJOURNMENT (Page 21)**

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

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

JANUARY 5, 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 January 26, 2006)

2. **Z2005-155** Title: Resolution approving an Official Zoning Map Amendment application of Hypoluxo/Jog LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 0.75 mile east of Jog Road on the south side of Western Way (**OSPREY OAKS PARCEL #5**). (Control 2005-061)

N/A

Size: 4.92 acres ±

BCC District: 3

MOTION: None required. (Postponed by the Zoning Commission to January 26, 2006)

3. **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: None required. (Postponed by the Zoning Commission to January 26, 2006)

4. **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)

N/A

Size: 2.0 acres ±

BCC District: 3

MOTION: None required. (By-right postponement to February 23, 2006)

5. **DOA2004-826** Title: Resolution approving a Development Order Amendment application of Mizner Trail Golf Club, Ltd., by Sanders Planning Group, P.A., Agent. Request: To re-designate land use from golf course to residential, add units, and add an access point. General Location: Northwest corner of SW 18th Street and Military Trail (**BOCA DEL MAR PUD**). (Control 1984-152)

N/A

Size: 43.29 acres ±

BCC District: 4

MOTION: None required. (Postponed by the Zoning Commission to February 23, 2006)

6. **SR1997-004B** Status Report for Resolution R-2002-1017 (Petition 1997-004B), the petition of Don Stiller. Property owner: Steven Kerekes Trust. General Location: Northeast corner of Jog Road and Boynton Beach Boulevard. Zoning District: Multiple Use Planned Development with a general repair and maintenance facility, a convenience store with gas sales and a car wash facility (**KEREKES PLAZA**).

Pages 1-6

Size: 24.97 acres ±

BCC District: 5

MOTION: To postpone to January 26, 2006. (Requested by the property owner)

7. **SR 1992-007.7** 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 7-12

Size: 7.92 acres ±

BCC District: 3

MOTION: To postpone to March 23, 2006. (Requested by the property owner)

8. **SR 1998-062.4** 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 13-18

Size: 10.00 acres ±

BCC District: 6

MOTION: To postpone to March 23, 2006. (Requested by the property owner)

B. WITHDRAWALS

9. **SR 1989-069.10** Status Report for Resolutions R-90-585 and R-90-586 (Petition 1989-069), the petition of Grace Roma. Property owner: Palm Beach County. General Location: Southwest corner of Lantana Road and Lawrence Road. Zoning District: Specialized Commercial with a Special Exception to permit a Planned Office Business Park (**ROMA OFFICE COMPLEX**).

Pages 19-24

Size: 5.09 acres ±

BCC District: 3

MOTION: None required.

10. **PDD2004-664** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Centex Homes, by Gentile, Holloway, O'Mahoney & Associates, Inc., Agent. Request: Rezoning from the Multifamily Residential (RM) and the Neighborhood Commercial (CN) Zoning Districts to the Residential Planned Unit Development (PUD) District. General Location: Approximately 1,300 feet south of Okeechobee Boulevard on the west side of Drexel Road (**MEADOWBROOK PUD**). (Control 2004-452)

Page 25

Size: 83.26 acres ±

BCC District: 2

MOTION: None required.

– END OF POSTPONEMENTS AND WITHDRAWALS –

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING APPLICATIONS

11. **Z2005-979** Title: Resolution approving an Official Zoning Map Amendment application of Palm Beach County Facilities Development and Operations. Request: Rezoning from the Light Industrial (IL) Zoning District to the Public Ownership (PO) Zoning District. General Location: Approximately 0.5 mile north of Southern Boulevard on the west side of Pike Road (**PALM BEACH COUNTY FIRE RESCUE TRAINING FACILITY**). (Control 2005-342)

Pages 26-39

Size: 14.99 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Light Industrial Zoning District to the Public Ownership Zoning District.

12. **PDD/R2005-439** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of David Howell, by Marda L. Zimring, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and the General Commercial (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) District. Title: Resolution approving a Requested Use application of David Howell, by Marda L. Zimring, Inc., Agent. Request: To allow self-service storage. General Location: Approximately 1/8 mile north of Glades Road on the west side of Florida's Turnpike (**GLADES ROAD SELF STORAGE**). (Control 1992-044)

Pages 40-62

Size: 8.82 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential and the General Commercial Zoning Districts to the Multiple Use Planned Development District.

MOTION: To adopt a resolution approving a Requested Use to allow self-service storage.

13. **Z2005-1126** Title: Resolution approving an Official Zoning Map Amendment application of Palm Beach County. Request: Rezoning from the Specialized Commercial (CS) and the Agricultural Residential (AR) Zoning Districts to the Public Ownership (PO) Zoning District. General Location: Southwest corner of Lantana Road and Lawrence Road (**LAWRENCE ROAD LIBRARY**). (Control 2005-372)

Pages 63-77

Size: 6.18 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to voluntary commitments.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to permit a Planned Office Business Park granted by Resolutions R-90-586 and R-2004-005.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Specialized Commercial and the Agricultural Residential Zoning Districts to the Public Ownership Zoning District.

14. **PDD/W2005-780** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Toll Brothers, Inc., by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Waiver application of Toll Brothers, Inc., by Land Design South, Inc., Agent. Request: To allow deviation from cul-de-sac and dead-end restrictions. General Location: Southwest corner of Hypoluxo Road and the future extension of Haverhill Road (**ABELL PROPERTY PUD**). (Control 2005-289)

Pages 78-101

Size: 44.43 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 retail nursery granted by Resolution R-1999-968.

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

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

15. **DOA/R2005-1128** Title: Resolution approving a Development Order Amendment application of Elan Salee, by Code Checkers, Agent. Request: To allow a medical or dental office. General Location: Northeast corner of Jog Road and Pipers Glen Boulevard (**PIPER'S GLEN COMMERCIAL**). (Control 1980-212)

Pages 102-131

Size: 5.08 acres ±

BCC District: 5

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 allow a medical or dental office.

16. **DOA2005-1129** Title: Resolution approving a Development Order Amendment application of Royall Wall Systems, Inc., by Basehart Consulting, Inc., Agent. Request: To modify/delete conditions of approval. General Location: Approximately 800 feet west of Pike Road on the south side of 7th Place North (**ROYALL WALL SYSTEMS**). (Control 2002-033)

Pages 132-149

Size: 13.99 acres ±

BCC District: 6

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 modify/delete conditions of approval.

17. **DOA2005-1320** Title: Resolution approving a Development Order Amendment application of Palm Beach County Water Utilities Department, by JPR Planning Services, Inc., Agent. Request: To add square footage to a Special Exception to allow a water treatment plant. General Location: Approximately 0.3 mile south of Okeechobee Boulevard and approximately 0.5 mile west of Drexel Road (**WATER TREATMENT PLANT NO. 8 EXPANSION**). (Control 1988-057)

Pages 150-169

Size: 15.39 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 square footage to a Special Exception to allow a water treatment plant.

18. **DOA/EAC2005-1463** Title: Resolution approving a Development Order Amendment/Expedited Application Consideration application of 441 Lantana Storage Limited Partnership, by Jon E. Schmidt & Associates, Agent. Request: To modify conditions of approval. General Location: Approximately 400 feet north of Lantana Road on the west side of State Road 7 (**US 441 LAND TRUST**). (Control 2002-027)

Pages 170-193

Size: 6.00 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

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

19. **Z/CA2005-299** Title: Resolution approving an Official Zoning Map Amendment application of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District. Title: Resolution approving a Class A Conditional Use application of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., Agent. Request: To allow a medical or dental office. General Location: Northeast corner of Southern Boulevard and F Road (**GROVE MEDICAL PLAZA**). (Control 1991-043)

Pages 194-216

Size: 3.63 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 Commercial Low Office Zoning District.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a medical or dental office.

20. **DOA2005-988** Title: Resolution approving a Development Order Amendment application of Malasky Properties, by Greenberg Traurig, PA, Agent. Request: To modify a condition of approval. General Location: Approximately 0.5 mile north of Okeechobee Boulevard on the east side of Military Trail (**LANDMARK AUTOCARE**). (Control 1982-152)

Pages 217-236

Size: 4.16 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

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

21. **Z2005-1127** Title: Resolution approving an Official Zoning Map Amendment application of MJG Properties, Inc., by Greenberg Traurig, PA, Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District. General Location: Approximately 660 feet west of Pike Road on the north side of Southern Boulevard (**LANDMARK SELF STORAGE**). (Control 2005-356)

Pages 237-252

Size: 4.48 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.

22. **Z2005-985** Title: Resolution approving an Official Zoning Map Amendment application of GCR Associates Ltd. Partnership, by Miller Land Planning Consultants, Inc., Agent. Request: Rezoning from the Specialized Commercial (CS) Zoning District to the Multifamily Residential (RM) Zoning District. General Location: Approximately 200 feet west of Military Trail on the south side of Gun Club Road (**SARDINIA**). (Control 1986-013)

Pages 253-269

Size: 6.90 acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving the abandonment of a Special Exception to allow a Planned Office Business Park granted by Resolutions R-1996-0822 and R-2003-1988.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Specialized Commercial Zoning District to the Multifamily Residential Zoning District with a Conditional Overlay Zone.

23. **CA2004-968** Title: Resolution approving a Class A Conditional Use application of Ronald Simon, by Kilday & Associates, Inc., Agent. Request: To allow a school, elementary or secondary. General Location: Approximately 300 feet west of Florida's Turnpike on the north side of Clint Moore Road (**RANDAZZO SCHOOL**). (Control 2004-589)

Pages 270-291

Size: 10.0 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

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

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

C. PREVIOUSLY POSTPONED STATUS REPORTS

- 24. **SR 2000-011A** Status Report for Resolution R-2002-1482 (Petition 2000-011A), the petition of Marjorie and Paul Maloche. Property owners: Rick J. Meloche, Trust; Marjorie A. Meloche, Trust; Paul J. Meloche Trust; Randy Meloche, Trust; and K. Edelman, Trust. General Location: Approximately 600 feet west of Haverhill Road on the north side of Lantana Road. Zoning District: Multiple Use Planned Development with a self-service storage facility (**ABLE'S STORAGE CENTER**).

Pages 292-297

Size: 8.28 acres ±

BCC District: 3

MOTION: To approve a time extension until August 22, 2007, for Resolution R-2002-1482.

- 25. **CR 2000-011A/E1** Status Report for Resolution R-2002-1482 (Petition 2000-011A), the petition of Marjorie and Paul Meloche. Property owners: Marjorie A. Meloche, Trust; Paul J. Meloche, Trust; Randy Meloche, Trust; K. Edelman, Trust; and Rick J. Meloche, Trust. General Location: Approximately 600 feet west of Haverhill Road on the north side of Lantana Road. Zoning District: Multiple Use Planned Development with a self-service storage facility (**ABLE'S STORAGE CENTER**).

Pages 298-302

Size: 8.28 acres ±

BCC District: 3

MOTION: To approve a time extension until April 15, 2006, to comply with Condition E.1. of Resolution R-2002-1482.

- 26. **CR 1989-088A.2** Status Report for Resolution R-2003-093 (Petition 1989-088A), the petition of SCI Funeral Service of Florida. Property owner: SCI Funeral Service of Florida, Inc. General Location: Northwest corner of Kirk Road and 10th Avenue North. Zoning District: Multifamily Residential with a Special Exception to add a funeral home to an existing 37 acre cemetery. Last Development Order: Development Order Amendment to add square footage (**MEMORY GARDENS**).

Pages 303-308

Size: 36.72 acres ±

BCC District: 3

MOTION: To approve a time extension until November 12, 2006, to comply with Conditions E.2, E.3 and E.6 of Resolution R-2003-093.

D. CORRECTIVE RESOLUTION

- 27. **Corrective Resolution**: To correct Engineering Condition E.2.a) of Exhibit C of Resolution No. R-2004-0158 (**BELMONT AT GREENACRES PUD**). (PDD2003-011)

Pages 309-310

MOTION: To adopt a resolution to correct Resolution No. R-2004-0158.

E. ABANDONMENT RESOLUTION

28. **ABN2005-1215** Request: To abandon the Special Exception to allow a Planned Industrial Park and amendments granted by Resolutions R-1989-0438, R-1992-060, R-1993-510, R-1996-118, R-1997-657, R-1998-1130, R-1998-1305 and R-2001-007. (**MURPHY'S TOWING**). (Control 1988-033)

Pages 311-313

BCC District: 6

MOTION: To adopt a resolution approving the abandonment of the Special Exception to allow a Planned Industrial Park and amendments granted by Resolutions R-1989-0438, R-1992-060, R-1993-510, R-1996-118, R-1997-657, R-1998-1130, R-1998-1305 and R-2001-007.

F. TDR CONTRACT, ESCROW AGREEMENT AND DEED

29. **PDD/TDR 2003-079** Execution of a Contract for Sale and Purchase of Development Rights and an Escrow Agreement. Request: Execute a contract between Palm Beach County and Windsor Place LLC, for the sale and purchase of 52 Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at a purchase price of \$25,000.00 per unit as approved by the Palm Beach County Board of County Commissioners on September 22, 2005 by Resolution No. R-2005-1799. Request: Approve an escrow agreement between Palm Beach County, Windsor Place LLC and Michael A. Sherman, PA (escrow agent), for the sale and purchase of 52 TDR units from the Palm Beach County TDR Bank at a purchase price of \$25,000.00 per unit, as approved by the Palm Beach County Board of County Commissioners on September 22, 2005. (**WINDSOR PLACE MXP**) (Control 2003-079)

Pages 314-321

MOTION: To approve a contract for the sale and purchase of 52 development rights at a purchase price of \$25,000.00 per unit for a total price of \$1,300,000.00.

MOTION: To approve an escrow agreement for 52 development rights at a purchase price of \$25,000.00 per unit for a total price of \$1,300,000.00.

30. **PDD/TDR 2003-079** Execute a deed conveying 52 Development Rights units to Windsor Place LLC, as authorized in Resolution No. R-2005-1799, which approved the purchase of 52 Development Rights from the County's TDR Bank at a cost of \$25,000.00 per unit and the designation of the Windsor Place MXP as a TDR Receiving Area for those units. (**WINDSOR PLACE MXP**) (Control 2003-079)

Pages 322-323

MOTION: To execute a deed conveying 52 Development Rights units to Windsor Place LLC as authorized in Resolution No. R-2005-1799.

G. RECEIVE AND FILE ZONING RESOLUTION

31. **CB2004-968** Resolution approving a Class B Conditional Use to allow a general daycare (**RANDAZZO SCHOOL**). (Control 2004-589)

Pages 324-334

MOTION: To receive and file Zoning Resolution ZR-2005-004.

– END OF CONSENT AGENDA –

– START OF REGULAR AGENDA –

4. REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. PREVIOUSLY POSTPONED STATUS REPORTS

32. **SR 1975-069G.2** Status Report for Resolutions R-1975-0463 and R-2001-0430 (Petitions 1975-069 and 1975-069G), the petitions of The Estate of William H. Dyer, National Financial Services, and Wal-Mart Stores, Inc. Property owners: Michel P. Barberis (unbuilt parcel); Krishna Realty, Inc.; Walmart Stores #8140; Taco Bell America, Inc.; and Action Business Corp. General Location: Southwest corner of Seacrest Boulevard and Hypoluxo Road. Zoning District: General Commercial with a Special Exception to allow a large scale Planned Community Commercial and Shopping Complex including a motel, gasoline station, financial institution, and restaurants (**SAM'S WHOLESALE CLUB**).

Pages 335-340

Size: 0.683 acre ± of a 20.47 acre project

BCC District: 7

MOTION: To adopt a resolution approving a Development Order Amendment to amend conditions of approval (square feet) in Resolution R-2001-0430.

33. **SR 1978-040A.3** Status Report for Resolutions R-1999-104 and R-2003-092 (Petition 1978-040A), the application of Nicholas & Joan Wellman. Property owners: Ortega Management Corporation and Wellman Care, Inc. General Location: Northwest corner of Melaleuca Lane and Military Trail. Zoning District: General Commercial with a Special Exception to allow a Planned Commercial Development including an auto service station and a financial institution with drive-up teller windows (**WELLMAN PLAZA**).

Pages 341-347

Size: 3.53 acres ±

BCC District: 2

MOTION: To adopt a resolution approving a Development Order Amendment to amend conditions of approval (square footage) in Resolution R-2003-092.

34. **SR 1980-173C.6** Status Report for Resolution R-94-1681 (Petition 1980-173C), the petition of Wal-Mart Stores, Inc. Property owner: Wal-Mart Stores #1398. General Location: Northwest corner of Hypoluxo Road and Military Trail. Zoning District: General Commercial with a Development Order Amendment to increase square footage in a Planned Commercial Development (**WAL-MART PLAZA**).

Pages 348-354

Size: 9.75 acres ±

BCC District: 3

MOTION: To adopt a resolution approving a Development Order Amendment to amend conditions of approval in Resolution R-94-1681.

35. **SR 1985-113B.10** Status Report for Resolution R-94-12 (Petition 1985-113B), the petition of William and Daphne Cleve. Property owner: Green Capital, LLC. General Location: Northeast corner of Hypoluxo Road and High Ridge Road. Zoning District: Community Commercial with a Conditional Overlay Zone (**FRANCALBY CORPORATION**).

Pages 355-359

Size: 1.5 acres ±

BCC District: 3

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Community Commercial Zoning District to the Residential Transitional Zoning District.

36. **SR 1988-065.11** Status Report for Resolutions R-89-1069 and R-89-1070 (Petition 1988-065), the petition of Howard Dardashti. Property owners: 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 360-365

Size: 0.96 acre ±

BCC District: 3

MOTION: To adopt a resolution 1) revoking Resolution No. R-89-1070, which approved a Special Exception to permit a Planned Commercial Development (PCD), and Resolution No. R-2001-1208, which approved a Development Order Amendment to amend conditions of approval; and 2) approving an Official Zoning Map Amendment from the General Commercial Zoning District to the Multifamily Residential Zoning District.

C. STATUS REPORTS

37. **SR 1994-092.3** Status Report for Resolution R-1995-0431 (Petition 1994-092), the petition of Lutheran Church of the Holy Cross. Property owner: Lutheran Church of the Holy Cross. General Location: Approximately 0.1 mile north of Forest Hill Boulevard on the west side of Kirk Road. Zoning District: Multifamily Residential with a Class A Conditional Use to allow a Congregate Living Facility (CLF) Type 3 (83 beds) and Daycare Center, General (**HOLY CROSS**).

Pages 366-371

Size: 6.12 acres ±

BCC District: 2

MOTION: To approve a time extension until January 31, 2007, for Resolution R-1995-0431.

D. SMALL SCALE LAND USE PLAN AMENDMENT AND ZONING APPLICATION

38. **SCA 2005-00054** WF Development Ventures, Inc., by Land Design South. Small Scale Land Use Amendment (SCA): Amend land use from Medium Residential, 5 units per acres (MR-5) to Commercial Low-Office with an underlying 5 units per acre (CL-O/5). General Location: Approximately 500 feet south of Boynton Beach Boulevard on the east side of Hagen Ranch Road (**HAGEN RANCH ROAD OFFICE** a.k.a. **HAGEN RANCH MEDICAL OFFICE**).

Pages 372-395

Size: 3.22 acres

BCC District: 5

Staff Recommendation: Denial of the requested future land use change from MR-5 to CL-O/5.

LPA Recommendation: Approval of the requested future land use change from MR-5 to CL-O/5 (10-1 vote).

MOTION: To deny the proposed amendment from MR-5 to CL-O/5.

39. **PDD2005-778** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Michael Falk and WF Development Ventures, Inc., by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Approximately 500 feet south of Boynton Beach Boulevard on the east side of Hagen Ranch Road (**HAGEN RANCH MEDICAL OFFICE**). (Control 2005-237)

Pages 396-414

Size: 3.22 acres ±

BCC District: 5

Staff Recommendation: Denial.

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

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

E. PREVIOUSLY POSTPONED ZONING APPLICATIONS

40. **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)

Pages 415-449

Size: 40.0 acres ±

BCC District: 6

Staff Recommendation: Denial.

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

MOTION: To adopt a resolution denying the abandonment of a Class A Conditional Use to allow a water and wastewater treatment plant granted by Resolutions R-96-998 and R-96-1190.

MOTION: To adopt a resolution denying an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Public Ownership Zoning District.

41. **Z2005-149** Title: Resolution approving an Official Zoning Map Amendment application of Hypoluxo/Jog LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 0.25 mile east of Jog Road on the north side of Western Way (**OSPREY OAKS PARCEL #2**). (Control 2005-058)

Pages 450-466

Size: 4.84 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

42. **Z2005-152** Title: Resolution approving an Official Zoning Map Amendment application of Hypoluxo/Jog LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 0.25 mile east of Jog Road on the north side of Western Way (**OSPREY OAKS PARCEL #3**). (Control 2005-059)

Pages 467-483

Size: 7.27 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

43. **Z2005-154** Title: Resolution approving an Official Zoning Map Amendment application of Hypoluxo/Jog LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Approximately 0.25 miles east of Jog Road on the south side of Western Way (**OSPREY OAKS PARCEL #4**). (Control 2005-060)

Pages 484-500

Size: 5.02 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a Conditional Overlay Zone.

F. ZONING APPLICATIONS

44. **DOA2005-1173** Title: Resolution approving a Development Order Amendment application of Palm Beach Aggregates, Inc; Florida Power and Light; and South Florida Water Management District, by Carlton Fields, P.A., Agent. Request: To delete land area and modify conditions of approval for a Type III B Excavation. General Location: Approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (**PALM BEACH AGGREGATES**). (Control 1989-052)

Pages 501-547

Size: 2,841.11 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

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

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area and modify conditions of approval for a Type III B Excavation.

45. **PDD/R/W2005-1174** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Palm Beach Aggregates, Inc., by Kilday & Associates, Inc., Agent. Request: Rezoning from the Specialized Agriculture (SA) Zoning District to the Residential Planned Unit Development (PUD) District. Title: Resolution approving a Requested Use application of Palm Beach Aggregates, Inc., by Kilday & Associates, Inc., Agent. Request: To allow a school, secondary or elementary. Title: Resolution approving a Waiver application of Palm Beach Aggregates, Inc., by Kilday & Associates, Inc., Agent. Request: To allow deviation from cul-de-sac and dead-end restrictions. General Location: Approximately 1.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (**HIGHLAND DUNES PUD**). (Control 2005-394)

Pages 548-586

Size: 1,209.96 acres ±

BCC District: 6

Staff Recommendation: Approval of an Official Zoning Map Amendment, subject to conditions; approval of a Requested Use to allow a school, elementary or secondary; and denial of a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

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

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

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

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

G. RECONSIDERATION OF ZONING APPLICATIONS

46. **PDD/W2004-658** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, 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 Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: To allow deviation from cul-de-sac and dead-end restrictions. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA PUD**). (Control 2004-456)

Pages 587-625

Size: 93.67 acres ±

BCC District: 5

MOTION: To adopt a resolution to revoke Resolution No. R-2005-2288, which approved an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution to revoke Resolution No. R-2005-2289, which approved a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

47. **PDD2004-660** Title: Resolution approving an Official Zoning Map Amendment to a Planned Development District application of Anasca Communities, LLC, by Land Design South, Inc., Agent. Request: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) District. General Location: Northwest corner of Hagen Ranch Road and Atlantic Avenue (**TERRA NOVA MUPD**). (Control 2004-457)

Pages 626-652

Size: 17.99 acres ±

BCC District: 5

MOTION: To adopt a resolution to revoke Resolution No. R-2005-2290, which approved an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development District.

48. [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)

Pages 653-684

Size: 123.62 acres ±

BCC District: 5

MOTION: To adopt a resolution to revoke Resolution No. R-2005-2291, which approved an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development District.

MOTION: To adopt a resolution to revoke Resolution No. R-2005-2292, which approved a Waiver to allow deviation from cul-de-sac and dead-end restrictions.

5. DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

49. [ULDC Amendments - Round 2005-02, Request for Permission to Advertise](#)

(Under separate cover)

C. PLANNING DIRECTOR

6. COMMISSIONER COMMENTS

7. ADJOURNMENT