

required work. Once the surety is provided, Palm Beach County shall establish a credit against road impact fees in this amount which shall run with the land. This credit amount does not vest property owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, property owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 13. (DATE: MONITORING - Eng)

3. (49-112) ZV/DOA-2011-0942 Sugarland Wind
(Control 2011-049)

Add All Petitions Condition 2 to read as follows:

2. Prior to Final Site Plan approval by the Development Review Officer, Turbine placement within the Project Boundary shall be determined to allow for adjustments in location as maybe required to address the final turbine selection as reviewed by the Palm Beach County Building Official and any State, Federal and County permitting requirements. Final turbine placement shall be consistent with all other conditions of approval. (DRO-ZONING-Zoning)

Amend Building Condition 2 to read as follows:

2. At the time of building permit submittal, documentation shall be provided to the Building Division as part of the permit record showing that the turbine materials and manufacturing meet the standards acceptable to the building official. In addition, turbine designs shall include braking control systems with redundant rotor braking, including both mechanical and aerodynamic speed control or similar controls acceptable to the Palm Beach County Building Official

Amend DRO Condition 2 to read as follows:

2. Prior to Final Site Plan approval by the DRO the applicant shall submit contracts or agreements between the applicable landowners and the Project Owner regarding the removal arrangements of the Wind Facility, for review by the County Attorney for and consistency with the ULDC.

Amend Engineering Condition 2 to read as follows:

2. Prior to Final Site Plan approval by the DRO...

Amend ERM Condition 1 to read as follows:

1. Prior to Final site plan ~~Site Plan~~ approval by the DRO for any of the ~~towers~~ Turbines, documentation from the U.S. Army Corp of Engineers and the Florida Department of Environmental Protection approving the construction of the project shall be submitted.



**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY MARCH 1, 2012

9:00 A.M.

**Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Adoption of the Minutes
- F. Swearing In
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

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

AGENDA
PALM BEACH COUNTY ZONING COMMISSION

MARCH 1, 2012

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, Pledge of Allegiance and Quasi-Judicial Notice
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center 1st Floor Hearing Room VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Thursday, March 22, 2012 to take final action on the applications listed below.

NOTICE

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners, which occurs outside of the public hearing, must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of the group. Persons wishing to cross-examine witnesses must reserve that right at the beginning of their presentation.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file.
- E. [Adoption of the Minutes](#)
- F. Swearing In - County Attorney
- G. Disclosures

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. **PDD/R-2011-02339** Title: an Official Zoning Map Amendment to a Planned Development District application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Requested Use application of 1310 Congress Partners LLC Lessor by David L. Carpenter & Assoc., Agent. Request: to allow a Charter School for more than 200 students.

General Location: East side of Old Congress Avenue north of Belvedere Road **(Congress Business Center MUPD)** (Control 1983-00118)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 4.21 acres ±

BCC District: 2

Staff Recommendation: To postpone to Thursday, April 5, 2012.

MOTION: To postpone to Thursday, April 5, 2012.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

- A. REQUESTS TO PULL ITEMS FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

2. **ZV/DOA-2011-01747** Title: a Type II Zoning Variance application of Jennifer Urbanek 1999 Trust & Sidney Kohl by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to allow 100% encroachment of utility easement and width reduction of right of way landscape buffer

Title: a Development Order Amendment application of Jennifer Urbanek 1999 Trust & Sidney Kohl by Gentile Holloway O'Mahoney & Assoc, Agent. Request: to reconfigure the site plan to allow a change in use and to add square footage

General Location: Southeast corner of Lake Worth Road and Jog Road **(Lake Worth Plaza West)** (Control 1973-00091)

Pages 2 - 48

Conditions of Approval Pages (20 - 24)

Project Manager: Joyce Lawrence

Size: 27.14 acres ±

BCC District: 2

(affected area 1.32 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1 and 15 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a 100% utility easement overlap in a landscape buffer and to decrease the required right of way buffer width subject to Condition of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of the Development Order Amendment to reconfigure the site plan to allow a change in use and to add square footage subject to Conditions of Approval as indicated in Exhibit C-2.

- E. CORRECTIVE RESOLUTIONS**
- F. SUBDIVISION VARIANCE**

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT**
- B. STATUS REPORTS**
- C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**
- D. ZONING APPLICATIONS - NEW**

3. **ZV/CA-2011-00942** Title: a Type II Variance application of Palm Beach County Project LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a reduction in setbacks for a non-residential project boundary and public right-of-way.

Title: a Class A Conditional Use application of Palm Beach County Project LLC by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent. Request: to allow a Renewable Energy Facility - Wind Farm.

General Location: East and west sides of Brown's Farm Road (SR 827), approximately 3 miles south of E. Canal Street (SR 880). **(Sugarland Wind)** (Control 2011-00049)

Pages 49 - 112

Conditions of Approval Pages (71 - 73)

Project Manager: Autumn Sorrow

Size: 12,797.23 acres ±

BCC District: 6

(affected area 12,887.94 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 5 Conditions of Approval as indicated in Exhibit C-1, and 18 Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type II Variance to allow a reduction in setbacks for a non-residential project boundary and public right-of-way subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of a Class A Conditional Use to allow a Renewable Energy Facility - Wind Farm subject to the Conditions of Approval as indicated in Exhibit C-2.

- 4. **W-2011-02698** Title: a Type II Waiver application of Stanton Optical by Construction Solutions & Services LLC, Agent. Request: to allow a corner building to not meet the build-to-lines for both streets; a reduction in the minimum build-to-line; an increase in the maximum build-to-line; a reduction in building frontage, a reduction in storefront percentage; a reduction in the planting amenity zone; a reduction in the minimum number of stories; and, to allow a dumpster to face a street.

General Location: Northwest corner of Forest Hill Boulevard and Military Trail **(Stanton Optical)** (Control 2007-00407)

Pages 113 - 138

Conditions of Approval Pages (125 - 125)

Project Manager: Carol Glasser

Size: 0.41 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of 13 Type II Waivers subject to 6 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of Type II Waivers to allow a corner building to not meet the build-to-lines for both streets; a reduction in the minimum build-to-line; an increase in the maximum build-to-line; a reduction in building frontage, a reduction in storefront percentage; a reduction in the planting amenity zone; a reduction in the minimum number of stories; and, to allow a dumpster to face a street subject to the Conditions of Approval as indicated in Exhibit C.

- 5. **ZV-2011-02636** Title: a Type II Zoning Variance application of North Lake 95 LLC by Land Design South Inc., Agent. Request: to allow a reduction in the minimum lot size and required square footage for a Multiple Use Planned Development (MUPD) Zoning District.

General Location: Northwest corner of Northlake Boulevard and Roan Lane **(Roan Lane Commercial)** (Control 1994-00061)

Pages 139 - 164

Conditions of Approval Pages (152 - 152)

Project Manager: Carrie Rechenmacher

Size: 4.05 acres ±

BCC District: 1

(affected area 1.66 acres ±)

Staff Recommendation: Staff recommends approval of the Type II Variance request subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Type II Zoning Variance to allow a reduction in required lot size and square footage for a Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. EXECUTIVE DIRECTOR

COMMISSIONER COMMENTS

A. ELECTION OF CHAIR AND VICE CHAIR

6. Voting of Chair and Vice Chair

Pages

MOTION:

ADJOURNMENT