



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

**AMENDMENTS TO THE AGENDA
MARCH 22, 2012**

<u>AGENDA ITEM #</u>	<u>APPLICATION/CHANGE</u>
<u>(PAGE #)</u>	

AMENDMENTS

REORDER AGENDA ITEMS

- 7. 2012 Unified Land Development Code Amendment Projects to follow Items 9 and 10 (Pages 218-220)
- 8. Courtesy Notices and Notice Signs to follow Items 9 and 10. (Pages: 221-224)
- 9. Amend spelling of term “Publically” to “Publicly.”

- | | | | |
|----|---------|----------------------------------------|-----------------------|
| 3. | (18-60) | ZV/DOA-2011-1747
(Control 1973-091) | LAKE WORTH PLAZA WEST |
|----|---------|----------------------------------------|-----------------------|

Amend Engineering Conditions 5 and 6 to read as follows:

5. ~~Within ninety (90) days of a request by the County Engineer~~ Prior to issuance of the first building permit, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the intersection with Lake Worth Road as well as a Removal Agreement approved by the Engineering Department to allow improvements to remain until notified by the County Engineer. This right of way shall be a minimum of 192 feet in storage length and a minimum of twelve feet in width or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way ~~shall be free of all encumbrances and encroachments and~~ shall include Corner Clips where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey, unless otherwise approved by the County Engineer with an appropriate subordination agreement ~~and required surety for utility relocation.~~ The Grantor must..... (ONGOING: ENGINEERING-Eng) (BLDG PERMIT: MONITORING-Engineering)

6. The property owner shall be responsible for twenty-five percent (25%) of the total cost, ~~based on an acceptable cost estimate certified by the property owner's engineer,~~ to relocate overhead transmission lines and transmission poles within the subject right of way required for construction of the right turn lane on Jog Road pursuant to condition E.5. Payment shall be submitted to the Land Development Division prior to issuance of the first Certificate of Occupancy and shall be creditable against road impact fees (CO: MONITORING – Eng)

a. ~~This payment shall be submitted to the Land Development Division within ninety (90) days notice from the County Engineer for construction of the right turn lane.~~(ONGOING: ENGINEERING – Eng)

~~b. Acceptable surety for the relocation of the overhead transmission lines and transmission poles, shall be posted with the Land Development Division on or before September 30, 2012. Surety shall be in the amount of twenty-five percent (25%) of an acceptable Certified Cost Estimate provided by the Developer's Engineer. This surety may be released by the County Engineer once payment required in E.6.a has been provided. Should the property owner fail to provide the required payment in E.6.a, Palm Beach County shall have the right to draw the surety and use the funds to complete the 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)~~

5. (85-204) ZV/CA-2011-0942 SUGARLAND WIND
(Control 2011-049)

Delete DRO condition 2:

Add PREM condition 1 to read as follow:

Prior to Final Site Plan approval by the Development Review Officer (DRO), Facilities Development and Operation Department (FDO) reserves the right to require reimbursement of any costs incurred for an independent third party to review and approve the Microwave Path Analysis required by ULDC Article 4.B.1.A.106-2.j. This condition shall also apply to any subsequent modifications and/or amendments that necessitate further independent third party review of a Microwave Path Analysis as determined by FDO in its sole and absolute discretion. In the event of a withdrawal or failure to obtain DRO approval, the applicant shall remain responsible for reimbursement of all such costs upon request by FDO. (DRO: PREM-Prem)

Amend Use Limitations Conditions 1 and 2 to read as follow:

1. An Avian Avoidance Radar or similar system shall be utilized during the entire duration the windfarm is in operation for the tracing and protection of birds and/or raptors as required by the State and Federal Agencies (Florida Department of Environmental Protection and the US Army Corps of Engineers). (ONGOING-ZONING-Zoning)

2. At time of submittal for the Final Site Plan Approval, the applicant shall submit the ~~lease agreement(s)~~ Memorandum of Lease for the Wind Energy Project between the landowner and the Project Owner. Prior to issuance of a building permit the Applicant shall file a Notice of Commencement of Lease in the Public Records and provide a copy to the Zoning Division in order to establish a Monitoring date for submission of the surety for Removal of the Turbines. (DRO:ZONING-Co Atty)



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

THURSDAY MARCH 22, 2012

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

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
BOARD OF COUNTY COMMISSIONERS**

MARCH 22, 2012

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

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 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 26, 2012.

MOTION: To postpone to Thursday, April 26, 2012.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

- A. ITEMS PULLED FROM CONSENT**

- B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA**

- C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS**

- D. PREVIOUSLY POSTPONED STATUS REPORTS**

- E. STATUS REPORTS - NEW**

- F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

- G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

- H. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

I. ZONING APPLICATIONS - NEW

2. **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: 2 - 27

Conditions of Approval (14 - 14)

Project Manager: Carol Glasser

Size: 0.41 acres \pm

BCC District: 2

DISCLOSURE

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

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a Type II Waiver 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.

3. **ZV/DOA-2011-01747** 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: 28 - 60

Conditions of Approval (45 - 48)

Project Manager: Joyce Lawrence

Size: 27.14 acres \pm

BCC District: 2

(affected area 1.32 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 17 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a 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.

4. **EAC-2011-03173** Title: an Expedited Application Consideration application of Boys & Girls Clubs of PBC Inc by Johnston Group Land Development Consultants Inc., Agent. Request: to modify a Condition of Approval (Landscaping)
General Location: South side of Belvedere Road approximately one mile west of Haverhill Road. **(Boys and Girls Club Haverhill)** (Control 2002-00064)

Pages: 61 - 84

Conditions of Approval (77 - 80)

Project Manager: Douglas Robinson

Size: 13.30 acres \pm

BCC District: 2

(affected area 1.00 acres \pm)

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 24 Conditions of Approval as indicated in Exhibit C

MOTION: To adopt a resolution approving an Expedited Application Consideration to modify a Condition of Approval (Landscaping) subject to the Conditions of Approval as indicated in Exhibit C.

5. **ZV/CA-2011-00942** 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: 85 - 204

Conditions of Approval (106 - 108)

Project Manager: Autumn Sorrow

Size: 12,797.23 acres \pm

BCC District: 6

(affected area 12,887.94 acres \pm)

DISCLOSURE

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

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Wind Renewable Energy Facility, subject to Conditions of Approval as indicated in Exhibit C-2.

J. ULDC AMENDMENTS

6. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

INTERNET CAFÉ MORATORIUM

Staff Recommendation: Staff recommends a motion to adopt an Ordinance enacting a one year moratorium upon the acceptance of Zoning applications and all applicable requests for Zoning approval for internet cafés.

Pages: 205 - 217

MOTION: To adopt AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR INTERNET CAFÉS, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1 - DEFINITIONS AND ACRONYMS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS; CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; 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.

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

7. [2012 Unified Land Development Code Amendment Projects](#)

Pages: 218 - 220

8. [Courtesy Notices and Notice Signs](#)

Pages: 221 - 224

9. [Publically Initiated ULDC Amendments](#)

Request of McCraney Property Company, to allow additional uses in Planned Industrial Park Developments (PIPDs)

Pages: 225 - 240

10. [Publically Initiated ULDC Amendments](#)

Request of Land Design South, to establish exemptions from location criteria for convenience store with gas sales within 1/2 mile of I-95 interchanges.

Pages: 241 - 244

COMMISSIONER COMMENTS

ADJOURNMENT