

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, MARCH 1, 2012

9:00 A.M. Vista Center 1st Floor Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner Sherry Hyman, Chair	Present
Commissioner Sheri Scarborough, Vice Chair	Present
Commissioner William F. Anderson	<i>Absent</i>
Commissioner Joanne Davis	Present
Commissioner Alex Brumfield	<i>Absent</i>
Commissioner Sam Caliendo	Present
Commissioner Mark Beatty	Present
Commissioner Robert Currie	<i>Absent</i>
Commissioner Jennifer Bakcsi	Present

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

D. Proof of Publication – Motion to receive and file, carried 6-0

E. Adoption of the Minutes – Motion carried 6-0

F. Swearing In - Dorine Kelley

G. Disclosures – Listed by Agenda Number

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	3	Absent	2, 3	None	None	None	2, 3

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.

Motion carried 6-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Moved				Seconded		

DECISION: POSTPONED TO 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

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

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

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 and as amended.

People who spoke on this application:

Dodi Buckmaster-Glas, Agent, gave a brief presentation at which she stated the applicant agreed to dedicate additional right of way along the intersection of Jog Road and Lake Worth Road but opposed any cost to relocate the overhead transmission lines and poles within the said right of way. After a brief discussion the Zoning Commissioners voted unanimously to recommend approval of the request and to delete the Engineering Conditions.

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 carried 6-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Seconded			Moved			

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 as amended without requirements.

Motion carried 6-0 as amended

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes
		Seconded			Moved			

DECISION: APPROVED AS AMENDED

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 +

(affected area 12,887.94 acres +)

BCC District: 6

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.

People who spoke on this application:

Autumn Sorrow – Project Manager – Gave a brief presentation.

Robin Saiz – Project Director – Gave an overview of the project history and information about Wind Capital Group and the Consulting Team.

George Gentle – Agent – Gave an overview of the projects consistency and compliance with the zoning comprehensive plan.

Mayor J.P. Sasser, Dennis Grady, Robert Rease, Mike Jones, Mark Sadders and Barbara Micdema, submitted Resolution for the record and spoke in support of the application. Michael Feinstein of American Lung Association; Rick Roth of Florida Agricultural Aviation Association; and Mike Jones of The Business Forum submitted into record letters of support from their organizations. Nina Wells of Sugar Wind submitted a petition of over 400 signatures from the Belle Glade/Pahokee in support of the application. Cara Capp, Bob Berstrom and Chris Ziesler spoke in support of the application.

Mitch Hutchetlet, Roy Snyder, Jane Grahman, Lisa Interlandia and Rebokah Gible spoke in opposition of the application. The main reasons listed for opposition were: environmental concerns regarding the protection of the bat and avian populations, lack of environmental data, assurance that applicant/owners of the project will support future expansion of restoration efforts for the Everglades, want a permanent radar to monitor the bat and avian populations, lighting on the Turbines will distracts birds, a three year study on environmental impacts is needed. The main reasons listed for support were: clean energy alternative, provision for local employment, and revenue the project will bring to the County. Many of the speakers in support of the project represented various governmental organizations, jurisdictions, and business organizations and submitted Resolutions from their boards supporting the project.

After the public comment portion of the hearing was closed, most of the discussion among the Commissioners, staff, and the agent revolved around the environmental impacts of the project. The Commissioners’ discussion included, but not limited to: photosensitivity causing seizures with people with epilepsy, commitment that applicant will not oppose future expansion of restoration efforts for the Everglades, adaptive management for the protection of bats and avian populations, research conducted on the behavior of birds and how they soar, and the provision of avoidance radar.

The Zoning Commission approved the two Type II Variances with a vote of 5-1 and recommended approval of the Class A Conditional Use with a vote of 6-0. [Commissioner Beatty voted against the variance request because he had concerns with photosensitivity causing seizures to people with epilepsy and adjacent property owner’s concerns about potential impacts on their property

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 carried 5-1

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Nay
					Moved	Seconded		

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.

Motion carried 6-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes
					Moved	Seconded		

DECISION: APPROVED AS AMENDED

- 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.

People who spoke on this application:

Carol Glasser – Project Manager gave a brief presentation

Harvey Oyer, attorney for the property owner, indicated the applicant and design team were available to answer questions then gave a brief overview of the history of the site and site constraints.

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.

Motion carried 6-0

Brumfield	Currie	Davis	Anderson	Hyman	Scarborough	Caliendo	Bakcsi	Beatty
Absent	Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes
					Moved	Seconded		

DECISION: APPROVED AS ADVERTISED

- 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 +
(affected area 1.66 acres +)

BCC District: 1

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

DECISION: ITEM WITHDRAWN, NO VOTE NECESSARY

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 – 11:30 am