

RESOLUTION NO. R-96- 998

RESOLUTION APPROVING ZONING PETITION CA95-107
CLASS A CONDITIONAL USE
PETITION OF SEMINOLE WATER CONTROL DISTRICT
BY ANNA S. COTTRELL, AGENT
CALLERY JUDGE WATER AND WASTEWATER TREATMENT PLANT

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-107 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA95-107, the petition of Seminole Water Control District, by Anna S. Cottrell, agent, for a Class A Conditional Use (CA) to allow a water and wastewater treatment plant in the Agriculture Residential (AR) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

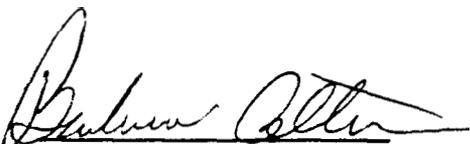
| | | |
|---------------------------|----|--------|
| Ken Foster, Chair | -- | Aye |
| Burt Aaronson, Vice Chair | -- | Aye |
| Maude Ford Lee | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Mary McCarty | -- | Aye |
| Warren Newell | -- | Aye |
| Carol A. Roberts | -- | Absent |

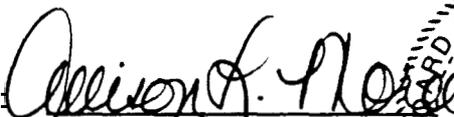
The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

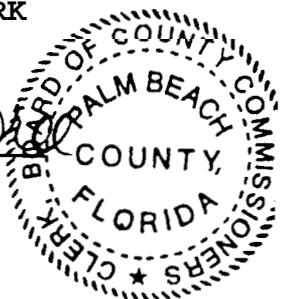


EXHIBIT A
LEGAL DESCRIPTION

SEMINOLE WATER CONTROL DISTRICT UTILITY SITE DESCRIPTION

Commencing at the Northwest corner of Section **6**, Township **43** South, Range **41** East, **Palm** Beach County, Florida (P.B. Coordinates **884462.5484 N, 729898.4140 E**) run South along the West **line of** the Section (also being the Range Line) **1555.10** feet; thence run easterly, parallel with the North right-of-way of the Seminole Water Control District **F-2** Canal, **45.00** feet to the Point of Beginning.

From the Point of Beginning, continue Easterly along said North right-of-way, **1320.00** feet; thence Southerly, parallel with the aforementioned West Section Line, **990.00** feet; thence West, parallel with said **F-2** Canal right-of-way, **1320.00** feet to a point **45** feet East of the aforementioned Section line; thence Northerly, parallel with said Section Line, **990.00** feet to the point of Beginning.

All the above situate in Palm Beach **County, Florida** and containing **30.00** acres, more or less.

Date Prepared: March **8, 1996** (CJ)

EXHIBIT B
VICINITY SKETCH

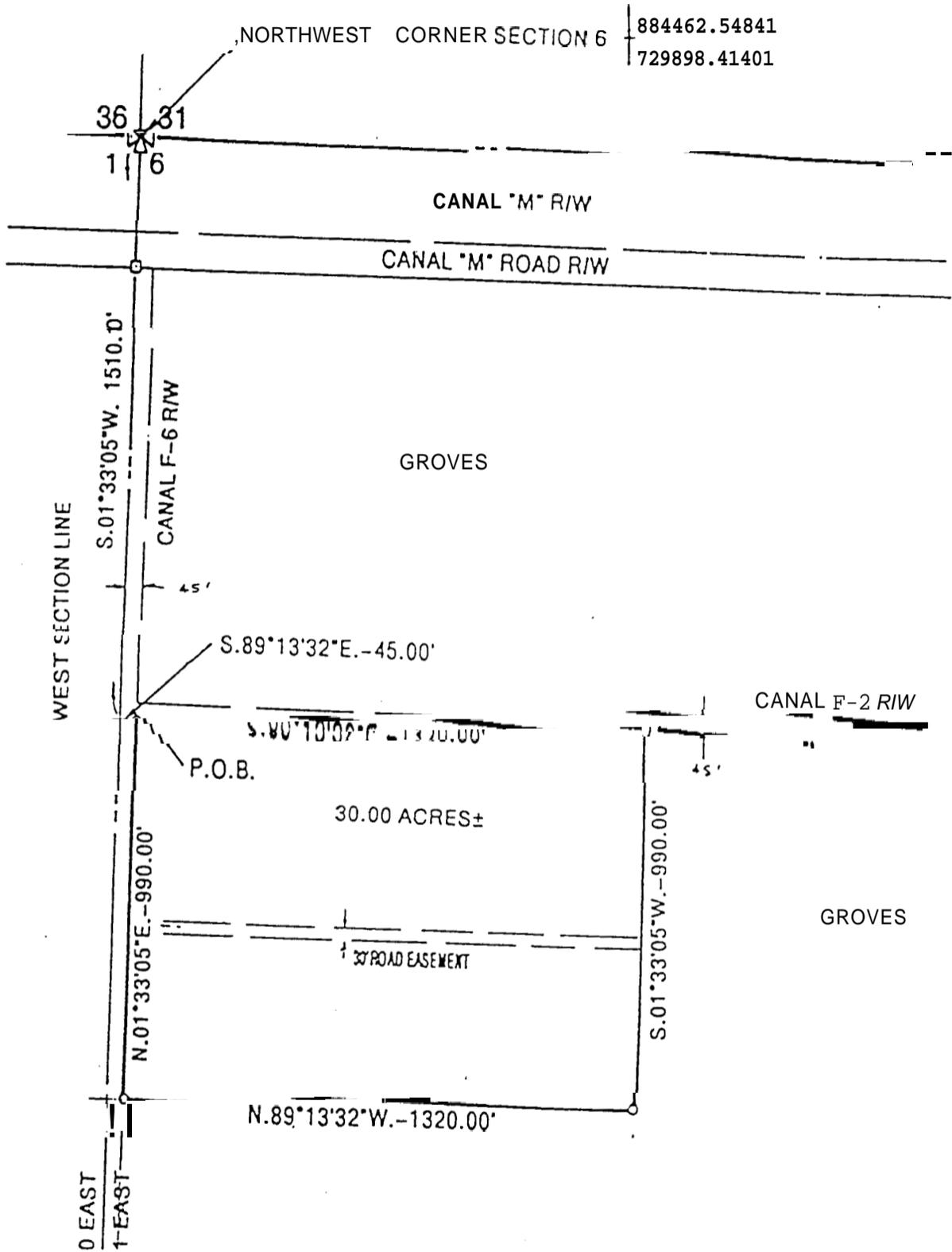


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 13, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. HEALTH

1. Palm Beach County Water Utilities Department may subcontract to a private contractor or other operator to maintain the plants upon the mutual agreement and consent of the petitioner and the Palm Beach County Public Health Unit. Further, the Palm Beach County Water Utilities Department will retain its right of first refusal to operate and maintain the water and wastewater treatment plant. (ONGOING: HEALTH / UTILITIES)
2. Prior agriculture use of this property may have produced the potential to contaminate the soil and ground water with such chemicals as pesticides, fertilizers and herbicides. In order to assure no health or safety hazards exist on this property the PBCPHU requires that a Phase 1 Environmental audit be conducted prior to final site plan approval. The Phase 1 audit will be signed and sealed by a registered professional engineer or geologist. (DRC: HEALTH)
3. Prior to site plan certification, the applicant shall demonstrate, through a document acceptable to the Office of the County Attorney and Planning Division, that the proposed financing plan is feasible and that the financing of construction and/or funding or operations shall not be the basis for seeking any amendment to the Future Land Use Map. (DRC: CTY ATTY / PLANNING)
4. Since there is a potential for the facility to be operated by and eventually taken over by PBCWUD, the construction plans, the phasing plans (for incremental expansions), and the operations plan shall be approved by the PBCWUD prior to issuance of building permits. (BLDG PERMIT: UTILITIES)

C. TREE PRESERVATION ALONG PERIMETER PROPERTY LINES

1. The Petitioner shall preserve existing citrus trees within two hundred twenty five (225) feet of the property under the Phase 1 site improvements. The final phase for site development shall maintain a minimum twenty five (25) foot perimeter preserved buffer of existing citrus trees. (CO/ONGOING: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG PERIMETER PROPERTY LINES

1. Landscaping and buffering along the perimeter property line shall be upgraded to a minimum fifty (50) foot wide landscape buffer strip to include the twenty five (25) foot tree preservation buffer as noted under Condition C.1 (DRC: LANDSCAPE-Zoning)

2. The petitioner shall provide at the final phase of site development a twenty five (25) foot landscape buffer to be located behind the preservation buffer. The landscape buffer shall consist of the following:
 - a. continuous four (4) foot high landscaped berm;
 - b. double row of native trees planted at the equivalent of one 12' tall tree for each twenty (20) feet of property line; and
 - c. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at time of installation. Hedge material to be maintained at a minimum height of thirty-six (36) inches to provide a continuous seven (7) foot visual screen. (FINAL CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (PLAT: ENG)
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$2,200.00 (40 trips X \$55.00 per trip) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator).

G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment,

Conditional Use, Requested Use, Development Order
Amendment or other actions based on a Board of County
Commission decision shall be by petition for writ of
certiorari to the Fifteenth Judicial Circuit.
(MONITORING)