

RESOLUTION NO. R-2006-1208

RESOLUTION APPROVING ZONING APPLICATION CA2006-178
(CONTROL NO. 2006-094)
CLASS A CONDITIONAL USE
PETITION OF FLORIDA POWER AND LIGHT
BY KILDAY & ASSOCIATES, INC.AGENT
(FLORIDA POWER AND LIGHT GREEN SUBSTATION)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2006-178 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; 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 2.E (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 has considered the findings in the staff report and 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 4.B, 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 2.F, Concurrency 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 2 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 Application CA2006-178, the petition of Florida Power and Light, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow an electric transmission facility in the Agricultural Reserve 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 June 22, 2006, 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 Koons and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.


Filed with the Clerk of the Board of County Commissioners on 11th day of July, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK

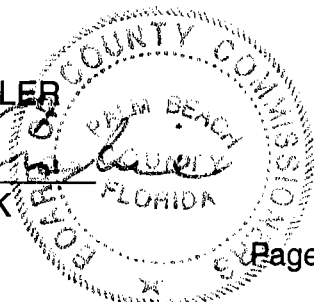


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

TRACTS 5, 10 AND THE WEST ONE-HALF OF TRACT 19, BLCOK 67, PALM BEACH FARMS COMPANY PLAT NO 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PULBIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

A PROTION OF TRACT 20, BLOCK 67 PALM BEACH FARMS COMPANY PLAT NO 3, ACCORDING TO THE PLAT THEREOF AS RECORED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PULBIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING SOUTHEASTERLY OF THE FLORIDA POWER & LIGHT COMPANY EASEMENT RECORDED IN DEED BOOK 1015 PAGE 652 AND RECORDED IN OFFICIAL RECORDS BOOK 8109 PAGE 1484 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING WITH THE SOUTHEAST CORNER OF SAID TRACT 20; THENCE S89° 36" 34"W ALONG THE SOUTH LINE OF SAID TRACT 20, A DISTANCE OF 136.65 FEET; THENCE N41° 43" 00"E, 202.52 FEET TO A POINT ON THE EAST LINE FO SAID TRACT 20; THENCE S00° 42' 55"E , ALONG SAID EAST LINE, 150.25 FEET TO A POINT OF BEGINNING.

TOGETHER WITH:

THE EAST ONE-HALF OF TRACT 19 BLCOK 67, PALM BEACH FARMS COMPANY PLAT NO 3, ACCORDING TO THE PLAT THEREOF AS RECORED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PULBIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATE IN PLAM BEACH COUNTY, FLORIDA CONTAINING 1,361,891 SQUARE FEET (30.23 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

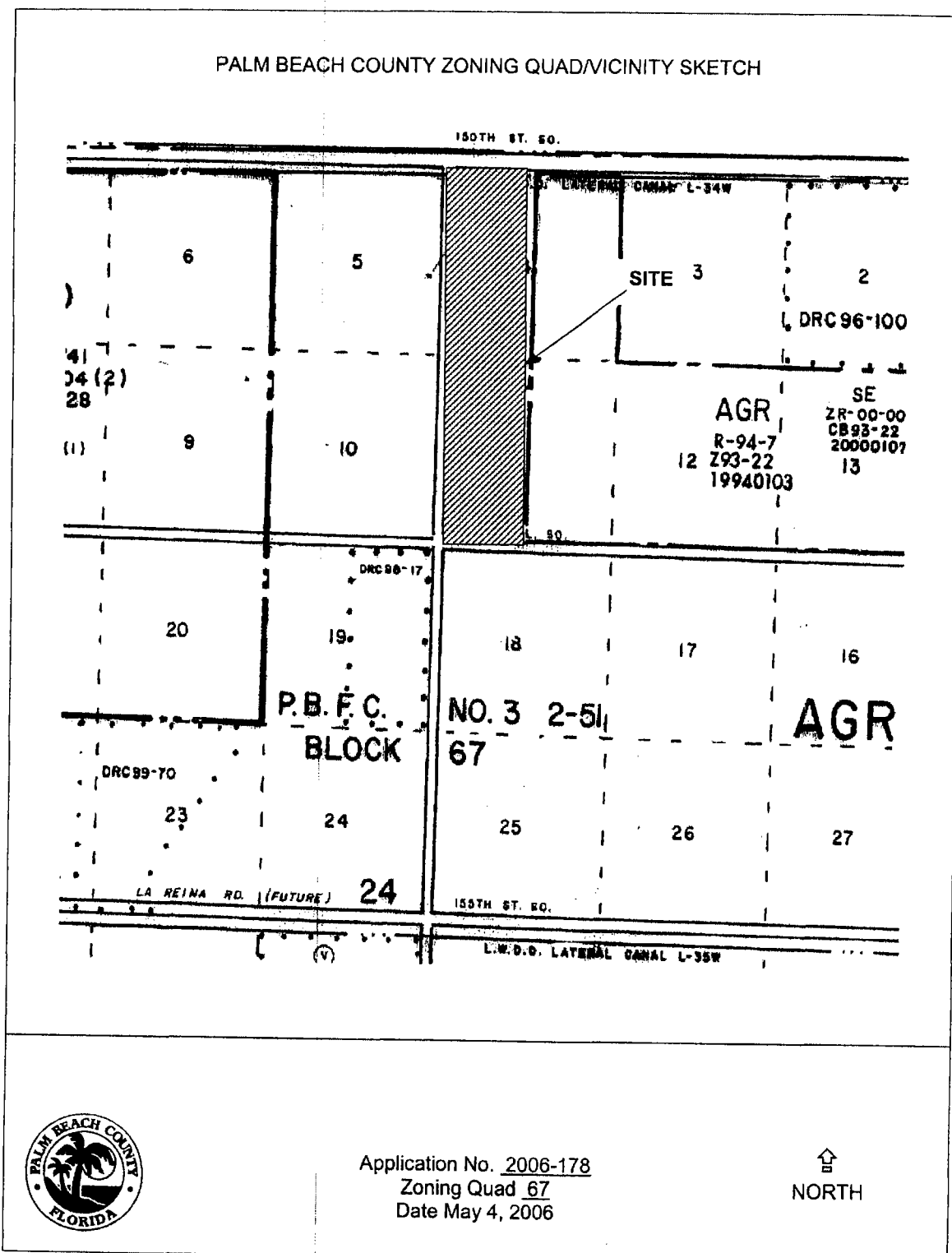


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated March 13, 2006. 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. (DRO: ZONING - Zoning)

HEALTH

1. Prior to final site plan approval by the Development Review Officer, the property owner must submit an application and engineering plans to construct an onsite sewage treatment and disposal system, in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I, for review and approval by the Palm Beach County Health Department. (DRO: HEALTH - Health)
2. Prior to the issuance of the first building permit, the property owner must submit an application and engineering plans to construct an onsite drinking water system, in accordance with Chapter 64E-8, FAC and Palm Beach County ECR-II, for review and approval by the Palm Beach County Health Department. (BLDG PERMIT: MONITORING - Health)
3. All contaminated areas that have not been rehabilitated in accordance with Chapter 62-780, Florida Administrative Code or confirmed to have been rehabilitated by the Florida Department of Environmental Protection, must be accurately delineated and depicted on the final site plan. (DRO: HEALTH - Health)
4. The property owner shall not develop any area of the site that is identified as contaminated as determined through review by the Florida Department of Environmental Protection (FDEP), unless the property owner is in receipt of a written determination of No Further Action from the FDEP, or documents indicating that the development may proceed with specific engineering and/or institutional controls. (ONGOING: CODE ENF - Health)

ZONING - LANDSCAPING

1. Prior to final Development Review Officer (DRO) approval, the property owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval. The ALP shall not reduce either quantity or quality of required trees but variance relief may be pursued. The ALP shall relocate the required landscaping from the shellrock area interior to the site and the path of the transmission lines to other portions of the site. The ALP shall include 14-foot high Sabal Palms and 14-foot high canopy trees planted 20-feet on center, and an eight (8) foot high wall on top of a 2' berm in the south perimeter buffer, except for the area encumbered by existing power lines. (DRO: LANDSCAPE - Zoning)

SITE DESIGN

1. Prior to issuance of a building permit, the proposed vault building shown on the exhibit dated March,13 2006 shall not exceed a maximum height of 15-feet. (BLDG PERMIT: BLDG - Zoning)

2. No new structures shall be permitted south of the existing FPL transmission corridor and consistent with the March 13, 2006 exhibit approved by the BCC. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)