

RESOLUTION R-2009-0014

RESOLUTION CORRECTING RESOLUTION R-2008-1695
(CONTROL NO. 1988-00062)
RESOLUTION APPROVING ZONING APPLICATION OF PALM BEACH COUNTY
WATER TREATMENT PLANT 3
APPLICATION ZV/Z/DOA-2008-00458

WHEREAS, Palm Beach County, petitioned the Palm Beach County Board of County Commissioners on September 29, 2008 for a an Official Zoning Map Amendment rezoning from the Single-family Residential (RS) Zoning District to the Public Ownership (PO) Zoning District with a Conditional Overlay Zone (COZ); and

WHEREAS, Resolution R-2008-1695, adopted on September 29, 2008 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, the Conditions of Exhibit C of Resolution R-2008-1695 should have read as shown on attached Exhibit C:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. The Conditions of Exhibit C of Resolution R-2008-1695 are hereby corrected.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on January 13, 2009.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK:

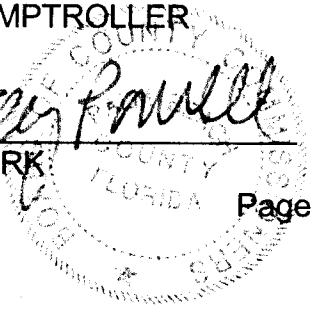


EXHIBIT C

CONDITIONAL OVERLAY ZONE
CONDITIONS OF APPROVAL

ENGINEERING

1. Construction of the planned operation and maintenance facility and the customer service facility will not commence until an alternate access route to the western portion of the site is completed. At this time, the El Clair Ranch Road access will only be used to service the wellfield and for emergency purposes. The intention is to divert routine traffic to and from the site away from the residential roads east of the site. (Previous Condition 3 of Zoning Resolution R-89-944, Control No. 1988-062) (ONGOING: ENG – Eng) Note: Complete

2. Engineering Condition 4 of Zoning Resolution Resolution R-89-944, Control No. 1988-062 which currently states:

The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. Reason: Draianage is now a code requirement

3. Engineering Condition 5 of Zoning Resolution Resolution R-89-944, Control No. 1988-062 which currently states:

If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

Is hereby deleted. Reason: Drainage is now a code requirement

4. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Jog Road, 60 feet from centerline on an alignment approved by the County Engineer and the Board of County Commissioners free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Cornerst1 where appropriate at intersections as determined by the County Engineer. (Previous Condition 6 of Zoning Resolution R-89-944, Control No. 1988-062) (ONGOING: ENG – Eng) Note: Complete

5. The property owner shall construct or pay for the construction of a left turn lane, north approach and a left turn lane, east approach at the intersection of future Jog Road and the project's entrance road concurrent with the construction of Jog Road by others. (Previous Condition 7 of Zoning Resolution R-89-944, Control No. 1988-062) (ONGOING: ENG – Eng) Note: Complete

6. If required by the County Engineer, the Palm Beach County Water Utilities Department shall convey adequate road drainage easements through the project's i.n.t.e.r.n.a.l surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements

of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment. (Previous Condition 8 of Zoning Resolution R-89-944, Control No. 1988-062) (ONGOING: ENG – Eng)

ZONING

1. This project shall be submitted to the Development Review Officer (DRO) for final site plan review. However, this project is not subject to the Development Review Officer (DRO) thresholds for minor amendments as established in Article 2.D.1.G.1 in the Unified Land Development Code (ULDC). (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)