

RESOLUTION NO. R-2009 -1351

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2009-00554
(CONTROL NO. 1988-00024)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF PALM BEACH COUNTY
BY JPR PLANNING SERVICES, INC., AGENT
(SOUTH REGIONAL WATER RECLAMATION FACILITY-REZONING)

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 applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ABN/Z-2009-00554 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2009 and August 27, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring) 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 following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 ABN/Z-2009-00554 the application of Palm Beach County by JPR Planning Services, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District with a CONDITIONAL OVERLAY ZONE on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 27, 2009, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 27, 2009.

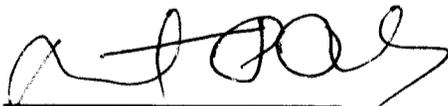
Filed with the Clerk of the Board of County Commissioners on September 4, 2009.

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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

TRACTS 73 THROUGH 88, INCLUSIVE, AND TRACTS 105 THROUGH TRACT 115, INCLUSIVE, BLOCK 64, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF HAGEN ROAD, ACCORDING TO THE PALM BEACH COUNTY, FLORIDA, ENGINEERING DEPARTMENT DRAWING NO. 3-56-027, SHEETS 5 AND 6 OF 8 SHEETS, LESS THE NORTH 50.00 FEET OF TRACTS 73 THROUGH 80, INCLUSIVE, AND LESS THE WEST 35.00 FEET OF TRACTS 80, 81, 112 AND 113, AND LESS THE SOUTH 85.00 FEET OF TRACTS 113 THROUGH 115, BOTH INCLUSIVE.

TOGETHER WITH THAT PORTION OF THE ABANDONED 30 FOOT RESERVATION FOR ROAD, DYKE AND DITCH PURPOSES LYING SOUTH OF TRACTS 81 THROUGH 88, INCLUSIVE AND LYING NORTH OF TRACTS 105 THROUGH 112, INCLUSIVE, BLOCK 64, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE WEST 55.00 FEET, AND LESS THE EAST 25.00 FEET OF SAID RIGHT OF WAY.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA.

CONTAINING 127.69 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

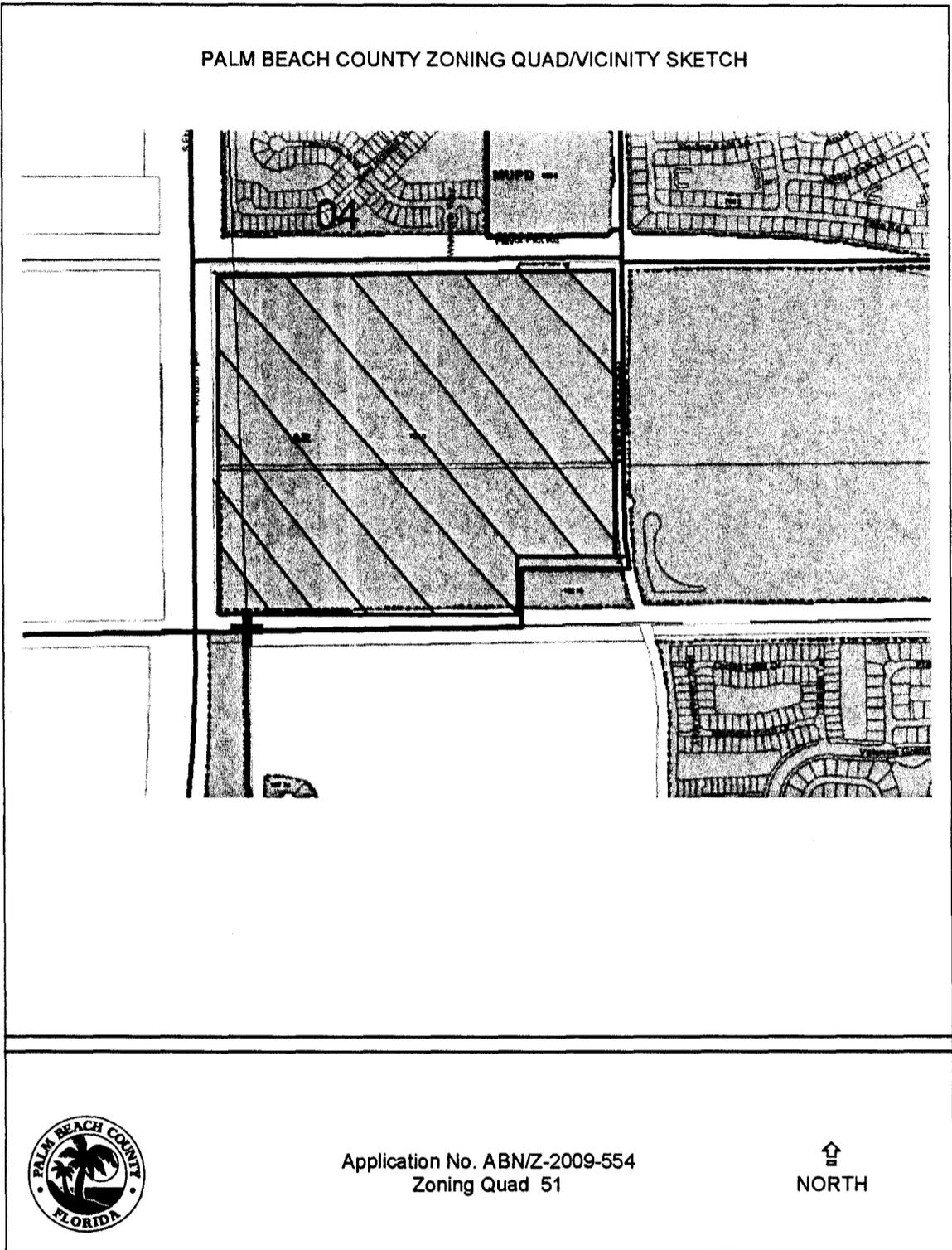


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1989-338 (Control 1988-024), are hereby revoked. (ONGOING: MONITORING - Zoning)

2. 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)

ENGINEERING

1. Prior to master plan certification the petitioner shall submit documentation verifying the abandonment of the east-west 30 foot road reservation that traverses the site. (DRO: ENGINEERING-Eng) [Note: Completed]

2. 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 shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING: ENGINEERING-Eng)

3. Prior to site plan certification, the property owner shall reserve to Palm Beach County the road right-of-way for Flavor Pitt Road a total of 110 feet. This right-of-way shall be conveyed to Palm Beach County, at no cost to Palm Beach County, when requested by the County Engineer. (DRO: ENGINEERING-Eng) [Note: Completed]

4. The property owner shall construct paved access to the site concurrent with onsite paving and drainage improvements. (ONGOING: ENGINEERING-Eng) [Note: Completed]

5. Regular tank, tractor/trailer or dump truck traffic to or from the plant shall not use Woolbright Road. (ONGOING:ENGINEERING-Eng)

HEALTH

1. All odor control systems shall be designed and installed with sufficient redundancy and stocking of spare parts to assure a minimum of 99.5% sytem reliability. (ONGOING: HEALTH-Health)

2. The air quality monitoring program scientifically established prior to plant operation shall continue to assure that hydrogen sulfide levels off of the property are not deleteriously impacted by plant operation. Upon a finding of deleterious impact, immediate steps will be taken to identify and eliminate the source of the offending hydrogen sulfide. Objectionable odors as defined in Chapter 62-296 FAC, entitled "Air Pollution" shall be used in order to determine compliance with the provisions of Chapter 62-296 FAC. Objectionable odors shall be maintained at acceptable levels as defined in the State Air Pollution Code, Chapter 62-296 FAC. (ONGOING: HEALTH- Health)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty deed or exclusive easement deed the east 5 feet of the west 65 feet of Tracts 80, 81, 112, and 113, all lying in Block 65, PBFCP3, PB 2, PG 45, for the E-2E Canal, in order to have a minimum of 45 feet of dry ground for maintenance purposes. (PLAT: ENG-LWDD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)