

RESOLUTION NO. R-90- 828

RESOLUTION APPROVING ZONING PETITION NO. 89-121
SPECIAL EXCEPTION PETITION OF FLORIDA POWER AND LIGHT COMPANY

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 89-121 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1989; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-121, the petition of FLORIDA POWER AND LIGHT COMPANY, BY RUSSELL C. SCOTT, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PUBLIC AND PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES (ELECTRIC POWER AND LIGHT SUBSTATION) on a parcel of land lying in Section 18, Township 41 South Range 41 East and all of Lot 1L-2, as shown on "Palm Beach Park of Commerce P.I.P.D. Plat No. 2", in Plat Book 60 at pages 49 through 50 together with a portion of that land described as Parcel "A" in an affidavit of Exemption of Official Record Book 3271 at Page 1976: Beginning at a platted permanent reference monument (P.R.M.) at the Northwest corner of said Lot 1L-2 run South 89 Degrees 08' 22" East along the North line of said Lot 1L-2. A distance of 528.56 feet to the Northeast corner of said Lot 1L-2; thence South 06 Degrees 29' 10" East. A distance of 240.72 feet; thence South 31 Degrees 41' 55" East. A distance of 87.19 feet to the west right-of-way line of an 80.00 foot wide right-of-way for assembly loop, as shown on said "Palm Beach Park of Commerce P.I.P.D. Plat No. 2", said point also lying on a non-tangent curve having a radius of 190.00 feet and from which a radial line bears South 39 Degrees 15' 34" East; thence Southwesterly along the arc of said curve and along said West right-of-way line a distance of 169.77 feet (through an angle of 51 Degrees 11' 45") to the Southernmost corner of said Lot 1L-2. Being the point of tangency; thence, departing from the boundary of said lot and continuing along said West right-of-way line. South 00 Degrees 27' 19" East. A distance of 108.86 feet; thence,

departing from said right-of-way line, North 89 Degrees 08' 22" West. A distance of 560.15 feet to a point on the East line of the 100.00 feet North Palm Beach Water Control District drainage easement (Official Record Book 4697, Page 1615); thence North 00 Degrees 27' 19" West. Along said East line, a distance of 340.61 feet to the North line of said Parcel "A", also being the South boundary line of "Palm Beach Park of Commerce P.I.P.D. Plat No. 1", in Plat Book 56 Pages 172 through 176. Thence South 89 Degrees 08' 22" East, along the North line of said Parcel "A" and along the South Boundary line of said "Palm Beach Park of Commerce P.I.P.D. Plat No.1". A distance of 32.01 feet to the Southwest corner of the aforementioned Lot 1L-2; thence North 00 Degrees 27' 19" West, along the West line of said lot a distance of 230.07 feet to the point of beginning, being located on the East side of Pratt-Whitney Road (SR 711) approximately .66 miles North of the Beeline Highway (SR 710) in a IL-Light Industrial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. A minimum fifty feet (50') wide buffer area shall be provided around the perimeter of the site.
2. A minimum of one hundred twenty-nine (129) trees shall be planted on site and fifty percent (50%) of these trees shall be a minimum of twelve feet (12') in height.
3. A double row of twenty-four inch (24") tall native shrubs shall be planted within the perimeter buffer an average of twenty-four inches (24") on center.
4. All materials shall be fully irrigated.
5. No off premise signs shall be permitted on site.
6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

10. 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 presently is \$55.00 (1 trip X \$55.00 per trip).
11. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

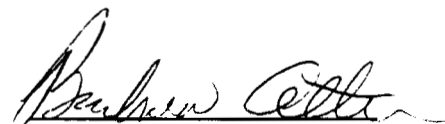
The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK