

RESOLUTION NO. R-2002-0010
(Resolution Revised to Correct Filing Date)
RESOLUTION APPROVING ZONING PETITION CA1989-052(C)
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH AGGREGATES, INC.
BY GARY BRANDENBURG & JOSEPH J. VERDONE, AGENT
(PALM BEACH AGGREGATES HYDRO STORAGE)

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 CA1989-052(C) was presented to the Board of County Commissioners at a public hearing conducted on January 3, 2002; 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 CA1989-052(C), the petition of Palm Beach Aggregates, Inc., by Gary Brandenburg & Joseph J. Verdone, agent, for a Class A Conditional Use CA1989-052(C) to allow an Electrical power facility based upon a determination by the Board of County Commissioners that the request meets Comprehensive Plan and ULDC criteria to permit this non-residential use in a residential area in the Special Agricultural (SA) 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 January 3, 2002, subject to the conditions of approval described in EXHIBIT C of DOA1989-052(C).

Commissioner McCarty 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:

Warren H. Newell, Chairman	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Absent
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 3, 2002.

Filed with the Clerk of the Board of County Commissioners on 5 day of February, 2002.

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

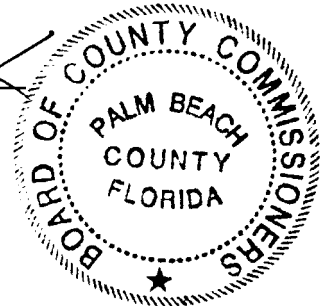


EXHIBIT A

LEGAL DESCRIPTION

Part of Parcel I in Sections 29 and 32, Township 43 South, Range 40 East, Palm Beach County, Florida described as follows: Commencing at the Northwest corner of Section 29, Township 43 South, Range 40 East, Palm Beach County, Florida, thence South 88° 52' 46" East 745.00 feet along the North line of Section 29 to the East right-of-way line of the Florida Power & Light Company corridor as recorded in O.R.B. 2222, Page 1696, thence South 0° 49' 13" West 589.00 feet along a line parallel with the West line of said Section 29, along the East right-of-way line of the aforementioned Florida Power & Co. corridor to the Southwest corner of the East 900 feet of the West 1645 feet of the North 589 feet of said Section 29 and the point of beginning of Parcel II, thence South 88° 52' 46" East 1200.00 feet along the South line of the East 900 feet of the West 1645 feet of the North 589 feet of said Section 29 and its Easterly extension, thence South 0° 49' 13" West 4658.85 feet along a line parallel with the East right-of-way line of the Florida Power & Light Company corridor, to the North line of Section 32, Township 43 South, Range 40 East, thence South 0° 56' 55" West 3378.92 feet along a line parallel with the East right-of-way line of the aforesaid Florida Power & Light Company corridor to the North right-of-way line of State Road 80 thence North 88° 28' 14" West 1100.09 feet along said right-of-way line of State Road 80, to the East right-of-way line of the Florida Power & Light Company corridor, thence North 0° 56' 55" East 880.76 feet along said East right-of-way line of Florida Power & Light Company corridor and parallel with the West line of Section 32, Township 43 South, Range 40 East, thence North 89° 03' 05" West 100.00 feet at right angles to the preceding course, thence North 0° 56' 55" East 2501.94 feet along the East right-of-way line of Florida Power & Light Company corridor to the South line of Section 29, Township 43 South, Range 40 East, thence North 0° 49' 13" East 4647.51 feet along said right-of-way line to the Point of Beginning.

LESS AND NOT INCLUDING THE FOLLOWING TWO 20-ACRE PARCELS

PARCEL A-1

Commencing at the Northwest corner of Section 29, Township 43 South, Range 40 East, Palm Beach County, Florida, thence South 88° 52' 46" East 745.00 feet along the North line of said Section 29, to the East line of the Florida Power & Light Company right-of-way as recorded in ORB 2222, page 1696 public records of Palm Beach County, Florida, thence South 0° 49' 13" West 589.00 feet along the East line of the Florida Power & Light Company, right-of-way to the Point of Beginning of the hereinafter described parcel A-1 thence South 0° 49' 13" West 1089.02 feet along said right-of-way line= thence South 88° 52' 46" East 800.00 feet along a line parallel with the North line of Section 29, Township 43 South, Range 40 East, thence North 0° 49' 13" East 1089.02 feet along a line parallel with the East line of the Florida Power & Light Company right-of-way, thence North 88° 52' 46" West 800.00 feet along a line parallel with the North line of said Section 29 to the Point of Beginning. Subject to an Easement over the West 50 feet thereof.

PARCEL B-1

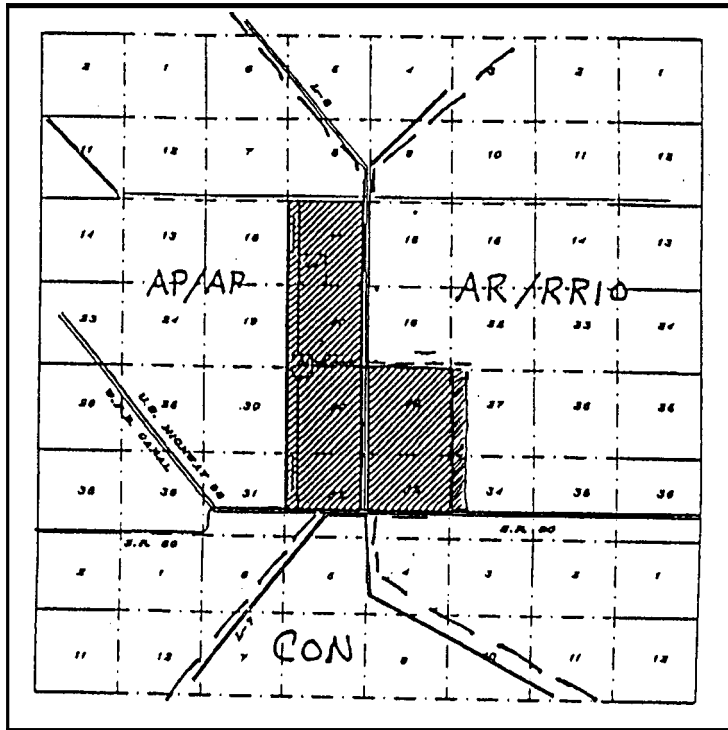
Commencing at the Northwest corner of Section 29, Township 43 South, Range 40 East, Palm Beach County, Florida, thence South 88° 52' 46" East 745.00 feet along the North line of said Section 29, to the East line of the Florida Power & Light Company right-of-way as recorded in ORB 2222, page 1696 public records of Palm Beach County, Florida, thence South 0° 49' 13" West 1678.02 feet along the East line of the Florida Power & Light Company, right-of-way to the Point of Beginning of the hereinafter described parcel B-1 thence South 0° 49' 13" West 1089.02 feet along said right-of-way line=thence South 88° 52' 46" East 800.00 feet along a line parallel with the North line of Section 29, Township 43 South, Range 40 East, thence North 0° 49' 13" East 1089.02 feet along a line parallel with the East line of the Florida Power & Light Company right-of-way, thence North 88° 52' 46" West 800.00 feet along a line parallel with the North

line of said Section 29 to the Point of Beginning. Subject to an easement over the West 50 feet thereof.

PARCEL II Containing 179.29 Acres (7,809,750.59 square feet)

EXHIBIT B
VICINITY SKETCH

LOCATION MAP



DESCRIPTION

A PORTION ON SECTIONS 17, 20, 22, 27, 28, 29, 30, 31, 32, 33, AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.



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WARREN H. NEWELL, III
CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

**Department of
Planning, Zoning & Building**

100 Australian Avenue
West Palm Beach, FL 33406
(561)233-5000

Planning Division 233-5300

Zoning Division 233-5200

Building Division 233-5100

Code Enforcement 233-5500

Contractor's Certification 233-5525

Administration Office 233-5005

Executive Office 233-5003

www.pbcgov.com/pzb

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: January 28, 2002
RE: Amended Conditions from the January 3, 2002
BCC Hearing

*W.C.W.
by
arc*



**Palm Beach County
Board of County
Commissioners**

Warren H. Newell Chairman

Carol A. Roberts Vice Chair

Karen T. Marcus

Mary McCartv

Burt Aaronson

Tony Masilotti

Addie L. Greene

The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on January 3, 2002.

The following petitions were amended:

- | | |
|-------------------|-------------------------------------|
| PDD1999-036 | Coconut Plaza MUPD |
| PDD1980-119(A) | Parkwood Estates PUD |
| DOA/CA1989-052(C) | Palm Beach Aggregates Hydro Storage |

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

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