

RESOLUTION NO. R-2020-1782

RESOLUTION APPROVING ZONING APPLICATION ZV/CA/W-2020-00276  
(CONTROL NO. 2017-00163)  
a Class A Conditional Use  
APPLICATION OF Azeeman Abraham, Florida Power and Light  
BY Cotleur & Hearing, Inc., AGENT  
(South Bay 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 27 have been satisfied;

WHEREAS, Zoning Application ZV/CA/W-2020-00276 was presented to the Board of County Commissioners at a public hearing conducted on November 23, 2020;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 ZV/CA/W-2020-00276, the Application of Azeeman Abraham, Florida Power and Light, by Cotleur & Hearing, Inc., Agent, for a Class A Conditional Use to allow an Electric Transmission Substation, on a parcel of land generally described as shown on the legal description 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 November 23, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 23, 2020.

Filed with the Clerk of the Board of County Commissioners on December 3rd, 2020

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

NORTH PARCEL:

A PARCEL OF LAND LYING IN A PORTION OF LOTS 7 AND 10, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY FLORIDA, ACCORDING AN UNRECORDED PLAT TITLED "LANDS OFFERED FOR SALE IN THE EVERGLADES" BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, TALLAHASSEE, FLORIDA, DATED DECEMBER 1, 1916 AND ON FILE IN THE OFFICE OF THE CHIEF DRAINAGE ENGINEER, TALLAHASSEE, FLORIDA. SAID PORTIONS OF LOTS 7 AND 10 ARE ALL LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF S.R. 25 (ALSO KNOWN AS U.S. HIGHWAY 27), AS SHOWN ON RIGHT-OF-WAY MAP SECTION 93160-2507, DATED SEPTEMBER 1975, SHEET 3 OF 5, NO REVISIONS. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 450 FEET OF THE SOUTH 200 FEET OF SAID LOT 7, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE SAID WESTERLY RIGHT-OF-WAY LINE OF S.R. 25, (ALSO KNOWN AS U.S. HIGHWAY NO. 27). TOGETHER WITH THE NORTH 160 FEET OF THE EAST 450 FEET OF SAID LOT 10, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF S.R. 25, (ALSO KNOWN AS U.S. HIGHWAY NO. 27).

SOUTH PARCEL:

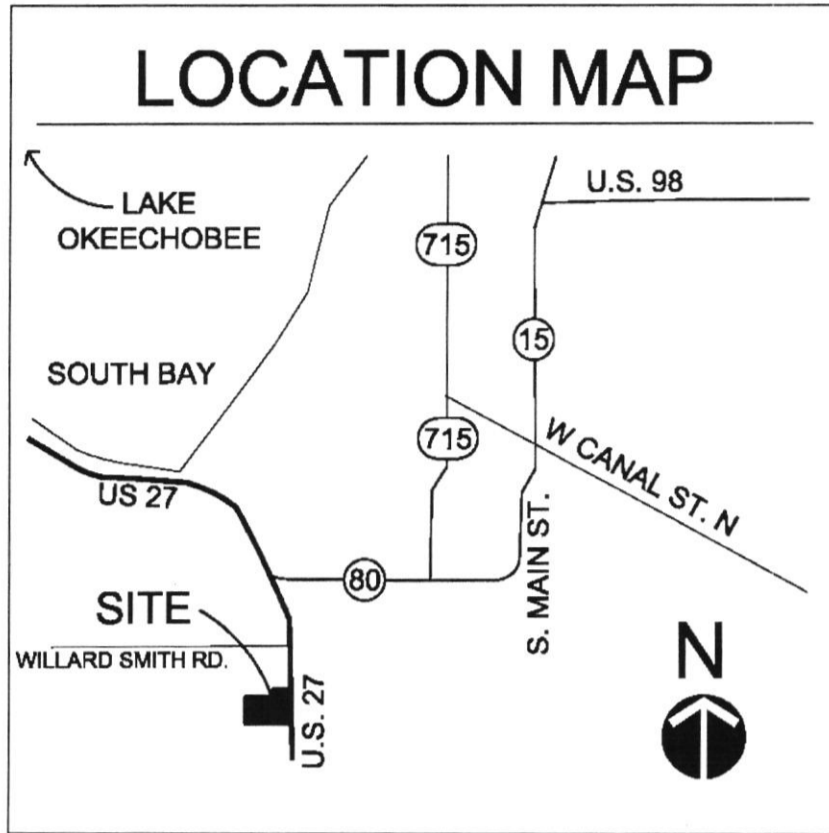
THAT PORTION OF STATE LOT 10, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 25, ALSO KNOWN AS U.S. HIGHWAY NO. 27, LESS AND NOT INCLUDING THE NORTH 160 FEET OF THE EAST 450 FEET OF SAID STATE LOT 10, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 25, ALSO KNOWN AS U.S. HIGHWAY NO. 27.

AND

THE NORTH 4.91 FEET OF STATE LOT 15, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 25, ALSO KNOWN AS U.S. HIGHWAY NO. 27.

CONTAINING: 862,915 +/- SQUARE FEET/ 19.810 +/- ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use (Electric Transmission Substation)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 14, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### **ENGINEERING**

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

2. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for US Hwy 27 / SR 25 along the south parcel, 220 feet, measured from the existing east right-of-way line on an alignment approved by the FDOT or County Engineer.

All right of way deed(s) and associated documents shall be provided and approved within 90 days of being requested by FDOT. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (ONGOING: MONITORING - Engineering)

#### **LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING AGRICULTURE)**

1. The Property Owner shall install an eight foot wide landscape strip along the eastern 466 feet of the south property line, extending westward from the eastern terminus of the 20-foot wide Type 3 Incompatibility buffer. Landscaping shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted;
- b. a six-foot high hedge; and,
- c. one (1) canopy tree per twenty-five (25) lineal feet of the property line. (BLDGPM: ZONING - Zoning)

##### **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; 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; the 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 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 of Approval; 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)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.