

RESOLUTION APPROVING ZONING APPLICATION ZV/CAW-2020-00276  
(CONTROL NO. 2017-00163)  
a Type 2 Waiver  
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/CAW-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 Type 2 Waiver;

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/CAW-2020-00276, the Application of Azeeman Abraham, Florida Power and Light, by Cotleur & Hearing, Inc., Agent, for a Type 2 Waiver to substitute a six foot high opaque wall with a six foot high opaque hedge in a Type 3 Incompatibility Buffer, 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:

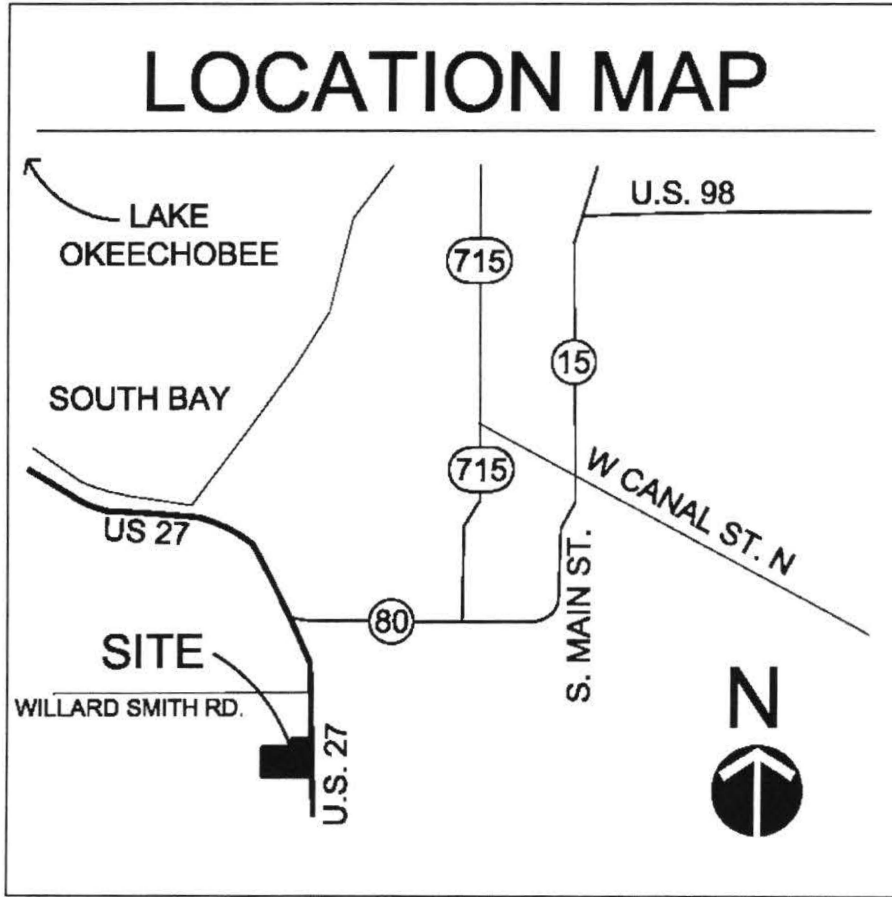
THAT PORTION OF STATE LOT 10, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 36 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 25, ALSO KNOWN AS U.S. HIGHWAY NO. 27, LESS AND NOT INCLUDING THE NORTH 160 FEET OF THE EAST 450 FEET OF SAID STATE LOT 10, LYING WEST OF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

#### Type 2 Waiver

##### 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)

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

1. In addition to Code requirements, landscaping along the South property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide planting strip extending for one-hundred and fifty (150) feet from the eastern property line to the west;
- b. a six-foot high hedge; and,
- c. landscape material shall be consistent with a Type 3 Incompatibility Buffer. (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.