

RESOLUTION NO. ZR-2020-044

RESOLUTION APPROVING ZONING APPLICATION ZV/CAW-2020-00276
(CONTROL NO. 2017-00163)
TYPE 2 VARIANCE (CONCURRENT)
APPLICATION OF Azeeman Abraham, Florida Power and Light
BY Cotleur & Hearing, Inc., AGENT
(SOUTH BAY SUBSTATION)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 27, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/CAW-2020-00276 was presented to the Zoning Commission at a public hearing conducted on November 5, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission 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 Variance;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/CAW-2020-00276 by the Board of County Commissioners;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION 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 Variance to reduce the front setback; and eliminate a Right-of-Way Buffer, and Compatibility 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 5, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Beatty moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	- Aye
Amir Kanel	- Aye
John Kern	- Aye
Michael Kelley	- Absent
Marcelle Griffith Burke	- Absent
Alex Brumfield III	- Aye
Mark Beatty	- Aye
Jess Sowards	- Aye

Filed with the Palm Beach County Zoning Division on November 5, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/CAW-2020-00276 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

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

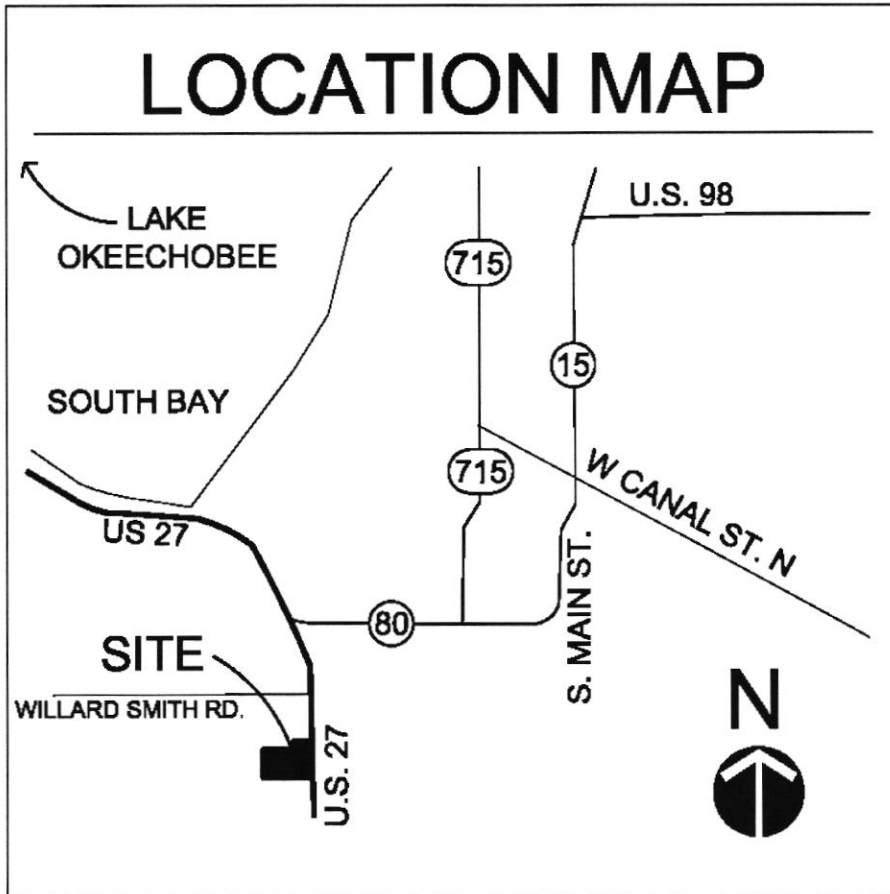


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

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)

VARIANCE

1. The Variances are approved for the Electric Distribution and Transmission Substations. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

2. The Property Owner shall submit an application to the Zoning Division for approval of the Electric Distribution Substation by the Development Review Officer by no later than January 4, 2021 to vest these variances. (DATE/DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

EXHIBIT D
REQUEST

TYPE 2 VARIANCE SUMMARY

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 3.D.1.A, Property Development Regulations (Related to Minimum Setbacks)	100 foot (ft.) front setback	69 ft. front setback	-31 ft.
V.2	Table 7.C.2.A, Right-of-Way (R-O-W) Buffer Landscape Requirements	20 ft. R-O-W Landscape Buffer	0 ft. R-O-W Landscape Buffer, along the northernmost 360 ft. of the east property line	-20 ft. (100%)
V.3	Table 7.C.2.B, Compatibility Buffer Landscape requirements	8 ft. Compatibility Buffer	0 ft. Compatibility Buffer, along the north and west property lines, and an 8-ft. Compatibility Buffer for the east 616 ft. of the south property line	-8 ft. along the north and west property lines, and for the west 498 ft. of the south property line