

:

RESOLUTION NO. R-89-1257

RESOLUTION APPROVING ZONING PETITION NO. 89-1
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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 89-1 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 9, 1989: and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

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

NOW, THEREFORE, **BE** IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-1 the petition of FLORIDA POWER AND LIGHT COMPANY, by Marda L. Zimring, Agent, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES (ELECTRIC POWER AND LIGHT SUBSTATION) on a parcel of land lying at the South 310.50 feet of Lot 1, Block 13, Palm Beach Farms, Plat No. 3 as recorded in Plat Book 2 at Page 46 and that part of the West 1/2 of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South 310.50 feet of Lot 1, Block 13, Palm Beach Farms Company, Plat No. 3, according to the Plat thereof recorded in Plat Book 2 at pages 45 to 54, inclusive, subject to the Right-of-way of Jog Road as the same now exists, being located on the west side of Jog Road, approximately 600 feet north of Pioneer Road (2nd Place South) in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Review submittal, the site plan shall be amended to indicate:
 - a. The designation of Alternative Landscape Perimeter

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Buffer **No. 3** along the north, south, west and east property lines;

- b. The tabular data indicating a breakdown of all building square footages; and
 - c. Areas of vegetation to be preserved. These areas shall be labeled as preservation.
2. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit **for** straight rezoning).
 3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 4. 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.
 5. Within **90** days **of** approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Jog Road along Florida Power and Light's, entire frontage **80** feet from centerline, plus right-of-way for an expanded intersection, all free **of** all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right **of** Way Acquisition Section to ensure that the property **is** free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
 6. Florida Power and Light shall, at its expense, assume the costs associated with the relocation of Florida Power and Light's facilities as required by the County Engineer from the L-5 Canal to the north property line of Florida Power and Lights's property. This relocation shall be accomplished concurrent with the widening **of** Jog Road during fiscal year **1989-1990**.

7. The Developer 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 \$54.00 (2 trips X \$26.79 per trip).
8. Clearing of the site shall be limited to:
 - a. Any prohibited plant species found on site: and
 - b. The "clear envelope" as labelled on Exhibit No. 18 and the pavement area for the access drive.
9. 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 petition. The motion was seconded by Commissioner Howard and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 9, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Stephen Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

James T. Hardy
DEPUTY CLERK