

RESOLUTION NO. R-2006-0008

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1320
(CONTROL NUMBER 1988-057)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PALM BEACH COUNTY WATER UTILITIES DEPARTMENT
BY JPR PLANNING SERVICES, INC., AGENT
(WATER TREATMENT PLANT NO. 8 EXPANSION)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-1320 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 Application DOA2005-1320, the petition of Palm Beach County Water Utilities Department, by JPR Planning Services, Inc., agent, for a Development Order Amendment to add square footage to an Special Exception to allow a water treatment plant 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 5, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.


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 BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK


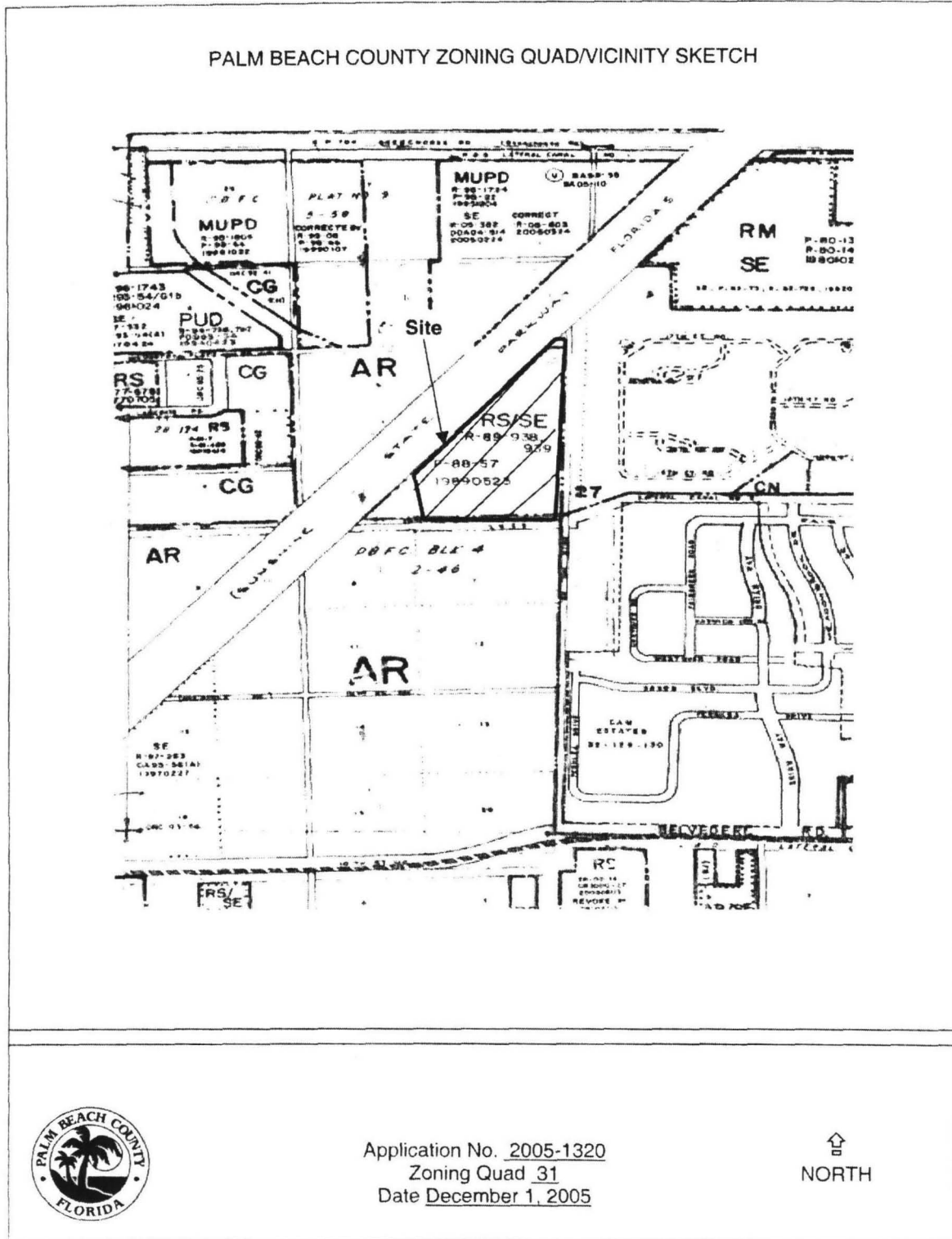


EXHIBIT A
LEGAL DESCRIPTION

THAT PORTION OF TRACTS 5 AND 6, BLOCK 4, LYING EAST OF FLORIDA'S TURNPIKE, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THAT PART DESCRIBED IN DEED BOOK 1099, PAGE 224. LESS RIGHT-OF-WAY FOR JOG ROAD, PALM BEACH COUNTY PROJECT NO. 84-225.

SECTION 27 TOWNSHIP 43 RANGE 42.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-1320
Zoning Quad 31
Date December 1, 2005



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1989-939 (Petition 1988-057), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)
2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated October 13, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. The exterior elevations of all proposed buildings and structures shall include neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims and massing (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of the building or structure. (DRO: ARCH REVIEW - Zoning)
2. Exterior storage areas shall be screened from view with a minimum eight (8) foot tall concrete wall. The walls shall be integrated into the building design and compatible with the building architecture. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Condition 4, of Resolution R-1989-939, Petition 1988-057, which currently states:

All proposed structures shall meet or exceed the setbacks of those existing structures that are adjacent to the east property line. (ONGOING: ZONING-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

ENGINEERING

1. Condition 6, of Resolution R-89-939, Petition 88-057, which currently states:

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. 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.

Is hereby deleted. [REASON, Drainage is a Code requirement.]

2. If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (Previous Condition 7, of Resolution R-89-939, Petition 88-057) (ONGOING: ENG - Eng)
3. The property owner shall reserve the additional right-of-way for Jog Road, to be dedicated at no cost to Palm Beach County on an alignment approved by the Board of County Commissioners, free of all encumbrances and encroachments. Petitioner 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. (Previous Condition 8, of Resolution R-89-939, Petition 88-057) (ONGOING: ENG - Eng)
4. If required by the County Engineer, the Palm Beach County Water Utilities Department shall convey adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Jog Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Water Control District and the South Florida Water Management district for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment. (Previous Condition 9, of Resolution R-89-939, Petition 88-057) (ONGOING:ENG - Eng)

ENVIRONMENTAL

1. Condition 5 of R-1989-939, Petition 1988-057, which currently states:

Native vegetation shall be preserved where possible and shall be incorporated into the project design.

Is hereby amended to read:

All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM-ERM)
2. Applicant and /or property owner shall meet with Wellfield Protection staff prior to Final Site Plan approval. Site construction and design shall comply with the standards pursuant to ULDC Article 14.B. (DRO:ERM-ERM)

ZONING – LANDSCAPING

1. Prior to issuance of a certificate of occupancy the required landscape buffer shall be installed along all property lines. The buffer along the eastern property line shall be installed so as not to interfere with any easements. An Alternative Landscape Plan may be approved by the Zoning Division for only those areas in which the location of the easement prohibits the installation of vegetation. (Previous Condition 1, of Resolution R1989-939, Petition 1988-057). (CO: LANDSCAPE Zoning) [NOTE: Completed.]
2. The petitioner shall eradicate all of the prohibited species from the site prior to the issuance of a certificate of occupancy. (Previous Condition 2, of

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: ZONING - Zoning)
2. Condition 10, of Resolution R-1989-939, Petition 1988-057, which currently states:

Failure to comply with the conditions herein 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

Is hereby amended to read:

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; 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 ULDC 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 a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING-Zoning)