

RESOLUTION NO. R-2009-1223

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2009-00555
(CONTROL NO. 1988-00057)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF PALM BEACH COUNTY
BY JPR PLANNING SERVICES, INC., AGENT
(WATER TREATMENT PLANT #8)

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; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ABN/Z-2009-00555 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2009 and July 23, 2009; and

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; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is not in conflict with any portion of the Unified Land Development Code (Code), and is consistent with the stated purpose and intent of the Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land;
4. This official zoning map amendment (rezoning) will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) amendment will result in a logical, orderly, and timely development pattern;
6. This official zoning map amendment (rezoning) is consistent with applicable neighborhood plans in accordance with BCC policy;
7. This official zoning map amendment (rezoning) complies with Art. 2.F,

Concurrency.

- 8. This official zoning map amendment (rezoning) demonstrates changed conditions or circumstances that necessitate the amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 ABN/Z-2009-00555 the application of Palm Beach County by JPR Planning Services, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) and Single-family Residential (RS) Zoning Districts to the Public Ownership (PO) Zoning District with a CONDITIONAL OVERLAY ZONE on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 2009, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 23, 2009.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2009.

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

WATER TREATMENT PLANT #8

LEGAL DESCRIPTION

A PORTION OF TRACT 5 AND TRACT 6, BLOCK 4, AND A PORTION OF THE 30 FOOT AND 25 FOOT ROAD RIGHT-OF-WAYS ADJOINING THERETO AND A PORTION OF THE AREA LYING ADJACENT TO AND CONTIGUOUS WITH THE EAST LINE OF THE 25 FOOT RIGHT-OF-WAY OF BLOCK 4, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WEST OF THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST ALL LYING SOUTHEAST OF FLORIDA'S TURNPIKE, EAST OF JOG ROAD, NORTH OF THE LAKE WORTH DRAINAGE DISTRICT L-2 CANAL AND WEST OF THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

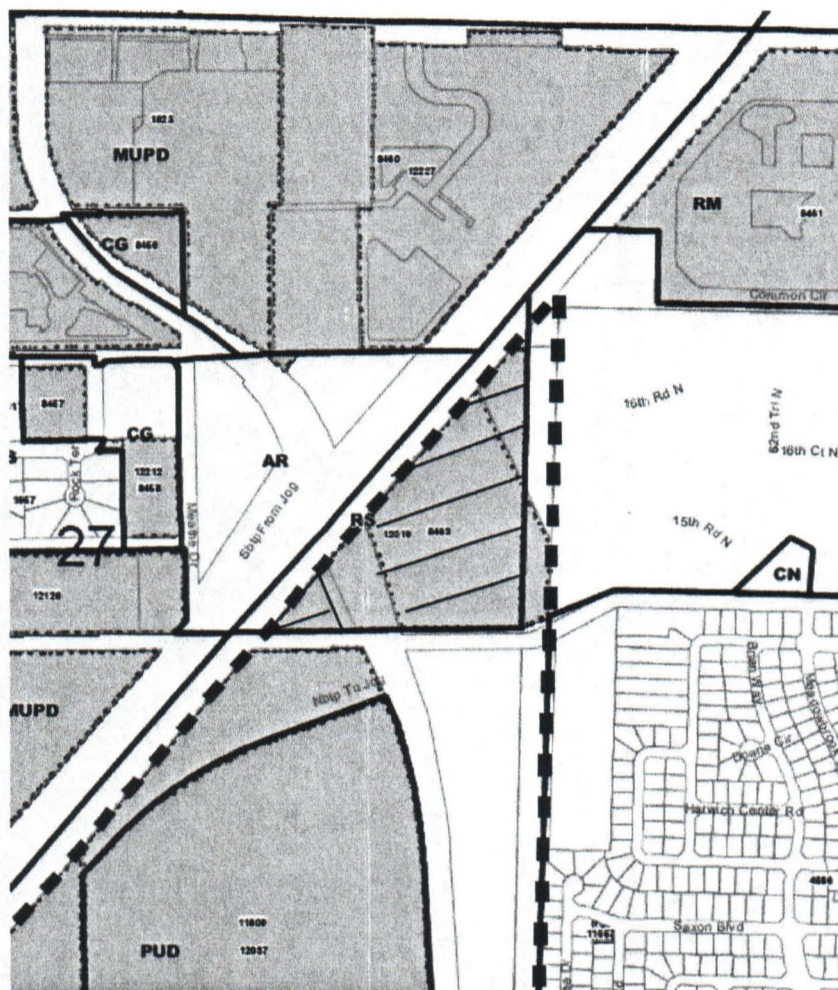
COMMENCE AT THE SOUTH ONE QUARTER (S1/4) CORNER OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST AND RUN N01°47'03"E ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 27 FOR 2559.10 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-2 AND THE POINT OF BEGINNING; THENCE S64°32'28"W ALONG SAID NORTH RIGHT OF WAY LINE FOR 82.88 FEET; THENCE S89°14'36"W ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF TRACT 6, BLOCK 4, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR A DISTANCE OF 637.76 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOG ROAD AS SHOWN ON THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FPID NO. 406112-1, SHEET 4 OF 9; THENCE N16°46'37"W ALONG SAID EAST LINE OF JOG ROAD FOR A DISTANCE OF 373.34 FEET; THENCE N21°32'29"W CONTINUING ALONG SAID EAST LINE OF JOG ROAD FOR A DISTANCE OF 178.03 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE AS SHOWN ON SAID RIGHT OF WAY MAP; THENCE N40°38'55"E ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID FLORIDA'S TURNPIKE FOR A DISTANCE OF 1091.26 FEET TO A POINT ON THE SOUTH LINE OF TRACT 1, BLOCK 4, OF SAID PALM BEACH FARMS CO. PLAT NO. 3; THENCE N89°10'01"E ALONG THE SOUTH LINE OF SAID TRACT 1, BLOCK 4 AND THE EASTERLY PROLONGATION THEREOF FOR A DISTANCE OF 215.63 FEET TO A POINT ON THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE S01°47'03"W ALONG THE SAID NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 27 FOR A DISTANCE OF 1310.73 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN PALM BEACH COUNTY, FLORIDA

CONTAINING 20.12 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2009-0555
Zoning Quad 31
Date January 14, 2009



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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-008 (Control 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. Condition All Petitions 2 of Resolution R-2006-008, Control 1988-057 which currently states:

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)

Is hereby deleted. REASON: Site Plan no longer required

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) (Previous Architectural Review Condition 1 of Resolution R-2006-008, Control 1988-057)

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) (Previous Architectural Review Condition 2 of Resolution R-2006-008, Control 1988-057)

ENGINEERING

1. 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. (ONGOING: ENGINEERING - Eng) (Previous Condition E2 of Resolution R-2006-008, Control No. 1988-057)

2. 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. (ONGOING: ENGINEERING - Eng) (Previous Condition E3 of Resolution R-2006-008, Control No. 1988-057)

3. 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. (ONGOING:ENG - Eng) (Previous Condition E4 of Resolution R-2006-008, Control No. 1988-057)

4. Prior to August 31, 2010, the property owner shall combine the property as approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

5. Prior to final DRO approval for the site plan with Application ZV/DOA/Z-2009-555, both the right of way in the original plant boundary and the right of way within the Sykes property, the parcel being added to the original boundary, shall be abandoned. The abandonment applications shall be processed simultaneously. (DRO:ENGINEERING-Eng)

ENVIRONMENTAL

1. 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)(Previous Condition ERM-1 of Resolution No. R-2006-0008, Control No. 1988-057)

2. Condition No. ERM-2 of Resolution No. R-2006-0008, Control No. 1988-057, which currently states:

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)

Is hereby deleted. [Reason: Completed]

LANDSCAPE – GENERAL

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 Zoning Landscaping Condition 1, of Resolution R-2006-008, Control 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 Zoning Landscaping Condition 2, of Resolution R-2006-008, Control 1988-057). (CO: LANDSCAPE - Zoning) [NOTE: Completed.]

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: 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; 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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)