

RESOLUTION 2020-17

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SIXTH (6TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. THE APPLICANT IS REQUESTING A TWELVE (12) MONTHS EXTENSION TO JULY 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, on December 19, 2017 Florida Public Utility (FPU) requested an approval of a special permit application to allow a temporary gas utility use within Pod F of Westlake TTD. The subject application was approved by the City Council on January 11, 2018.

WHEREAS, the proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove and Cresswind. The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence; and

WHEREAS, on June 11, 2020, Florida Public Utilities, submitted an application for a twelve (12) months extension of a special permit application of a temporary gas utility use within Pod F of Westlake TTD to January 31, 2021; and

WHEREAS, previous extensions were granted on:

1. On January 11, 2018, the **first** application (SPEC-2017-03) was approved for six (6) months with one three (3) month time extension.
2. On July 11, 2018 the applicant was granted a **second** Time Extension for an additional three (3) months.
3. On October 29, 2018 the applicant was granted a **third** Time Extension for an additional nine (9) months that expires on July 31, 2019.
4. On July 8, 2019 the applicant was granted a **fourth** Time Extension for an additional six (6) months that expires on January 31, 2020.
5. On January 13, 2020 the applicant was granted a **fifth** Time Extension for an additional six (6) months that expires on July 31, 2020.

WHEREAS, staff has reviewed and recommends approval of the proposed time extension provided in the attached Exhibit "A", (Staff Report); and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption and implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, THAT:

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Special Permit Application: The City Council for the City of Westlake hereby approves the request for a 12-months extension of a special permit application of a temporary gas utility use within Pod F of Westlake TTD, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3: Conditions of Approval: The Applicant shall provide written progress reports to the City Council every three months until the permanent lines are installed. The extension is subject to the applicant meeting all of the conditions set forth in the Staff Report, as attached hereto as Exhibit "A", which is incorporated herein and made a part hereof.

Section 4. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.


Section 5: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 13th day of July, 2020.

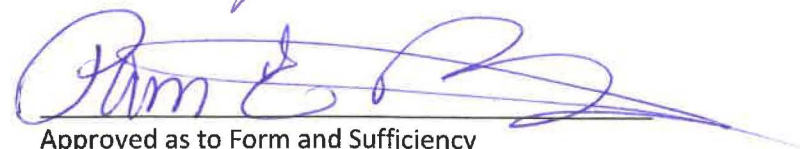
PUBLISHED on this 2nd day of July, 2020 in the Palm Beach Post.



City of Westlake
Roger Manning, Mayor



Zoie Burgess, City Clerk



Approved as to Form and Sufficiency
Pam E. Booker, City Attorney



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 7/13/2020

PETITION DESCRIPTION

PETITION NUMBER: SPEC-2017-03 Florida Public Utilities (FPU) Temporary Gas Facility (Pod F) – SIXTH TIME EXTENSION

APPLICANT: Florida Public Utilities

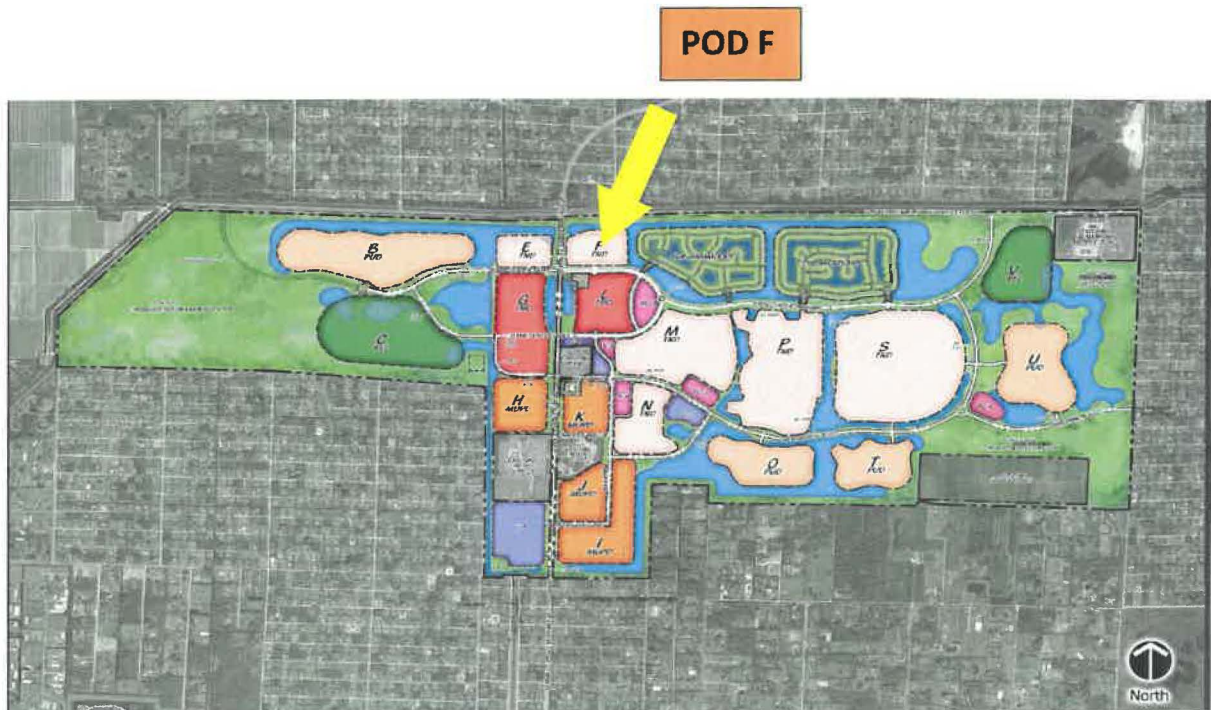
OWNER: Minto PBLH, LLC

REQUEST: The Applicant is requesting approval of a **sixth time extension** for a special permit application of a temporary gas utility use within Pod F of Westlake TTD.
The applicant is requesting a twelve (12) month extension to July 31, 2021.

LOCATION: City of Westlake, Pod F / FPU Temporary Gas Facility

PARCEL NUMBER: 77-40-43-01-00-000-1010

LOCATION MAP



PETITION FACTS - Temporary Gas Facility - SIXTH TIME EXTENSION

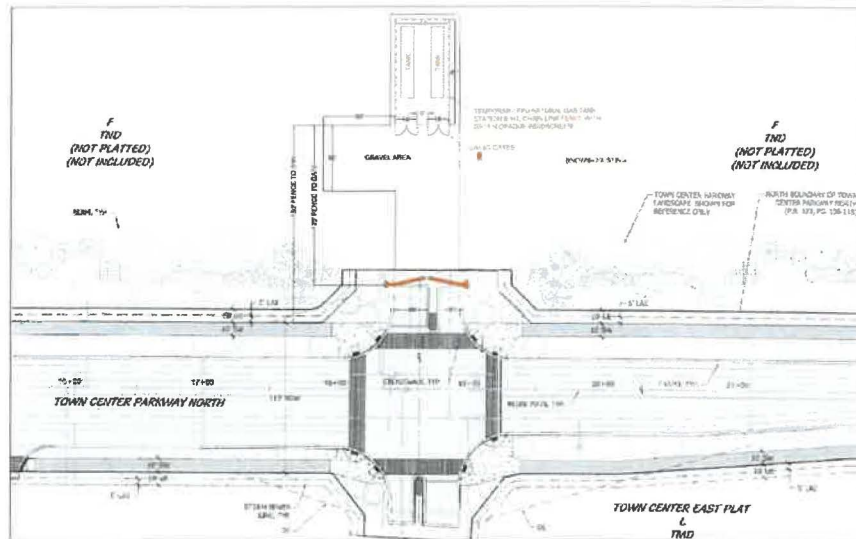
- a. Total Gross Site Area: 358.5 acres
- b. Total Affected Area: 0.28 acres
- c. Land Use and Zoning
 - Existing Land Use: Vacant / Agricultural / Utility
 - Land Use: R2. City's adopted Future Land Use Map, March 12, 2018.
 - Zoning: R2

BACKGROUND

On December 19, 2017 Florida Public Utility (FPU) requested an approval of a special permit application to allow a temporary gas utility use within Pod F of Westlake TTD. The subject application was approved by the City Council on January 11, 2018.

The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove and Cresswind. **Currently, the City has issued a total of 678 single home permits from which 338 have received a Certificate of Occupancy.** Also, on June 8, 2020, City Council approved Pod O Phase 1 plat (The Grove) to build 277 single homes.

The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence, see below Site Plan.



The following Time Extensions were granted to the applicant:

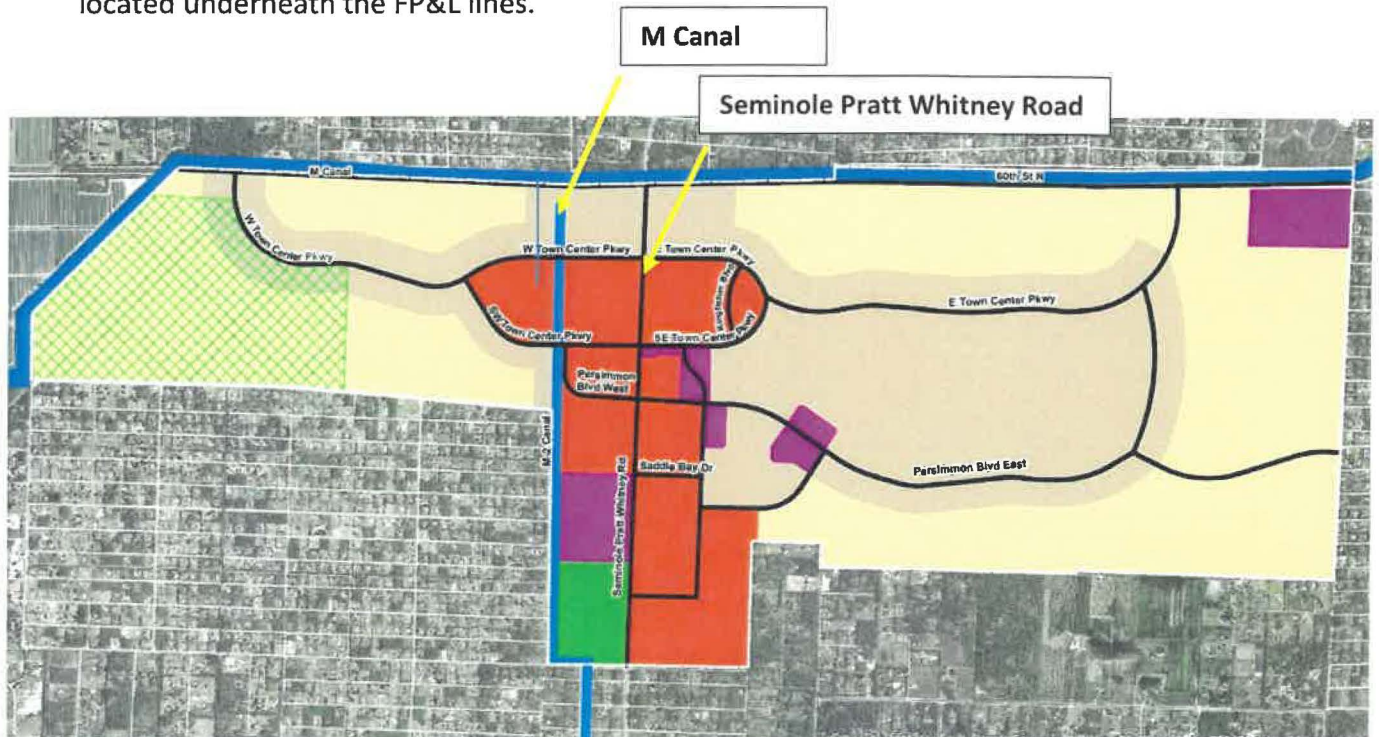
- 1. On January 11, 2018, the **first** application (SPEC-2017-03) was approved for six (6) months with one three (3) month time extension.
- 2. On July 11, 2018 the applicant was granted a **second** Time Extension for an additional three (3) months
- 3. On October 29, 2018 the applicant was granted a **third** Time Extension for an additional nine (9) months that expires on July 31, 2019.
- 4. On July 8, 2019 the applicant was granted a **fourth** Time Extension for an additional six (6) months that expires on January 31, 2020.
- 5. On January 13, 2020 the applicant was granted a **fifth** Time Extension for an additional six (6) months that expires on July 31, 2020.

STAFF ANALYSIS

The applicant is requesting a Sixth Time Extension to allow a temporary gas facility to provide service to City's residents. The applicant is requesting an additional **twelve (12) months extension to July 31, 2021**.

With regard to the location of the permanent gas line, since 2017 the applicant discussed with the City, SID and the Developer the following locations:

- A. **East Side of the M Canal:** This was the first proposed location for the permanent gas line.
- B. **West Side of the M Canal:** As a second proposal, the permanent gas line was considered to be located underneath the FP&L lines.



- C. **Current Proposed location of the permanent gas line: West of Seminole Pratt Whitney Right of Way.** Per the applicant statement, *“Florida Public Utilities Company is submitting this Administrative Review General Application to extend the temporary CNG Tanker installation thru 7/31/2021 in the City of Westlake. The company determined it necessary to locate an alternate route to supply a permanent natural gas pipeline to the City of Westlake. **The route selected and in the permitting process is located on the west side of Seminole Pratt Whitney Road, in the Palm Beach County right-of-way.** The pipeline would run from south to north on Seminole Pratt Whitney Road from our gate station located near Southern Blvd (State Road 80). Florida Public Utilities Company is working with but not limited to the following agencies to obtain the necessary permits for the installation of the natural gas pipeline. In addition to the City of Westlake, SID and Palm Beach County, FPUC is working with the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, and Indian Trail Improvement District. Florida Public Utilities is in position to start construction when the permits*

are obtained. **The gate station necessary to supply this pipeline has already been installed on Seminole Prat Whitney Road near Southern Blvd (State Road 80). The anticipated timeline to have the pipeline to the City of Westlake completed is on or before the 7/31/2021 date requested in this application.**

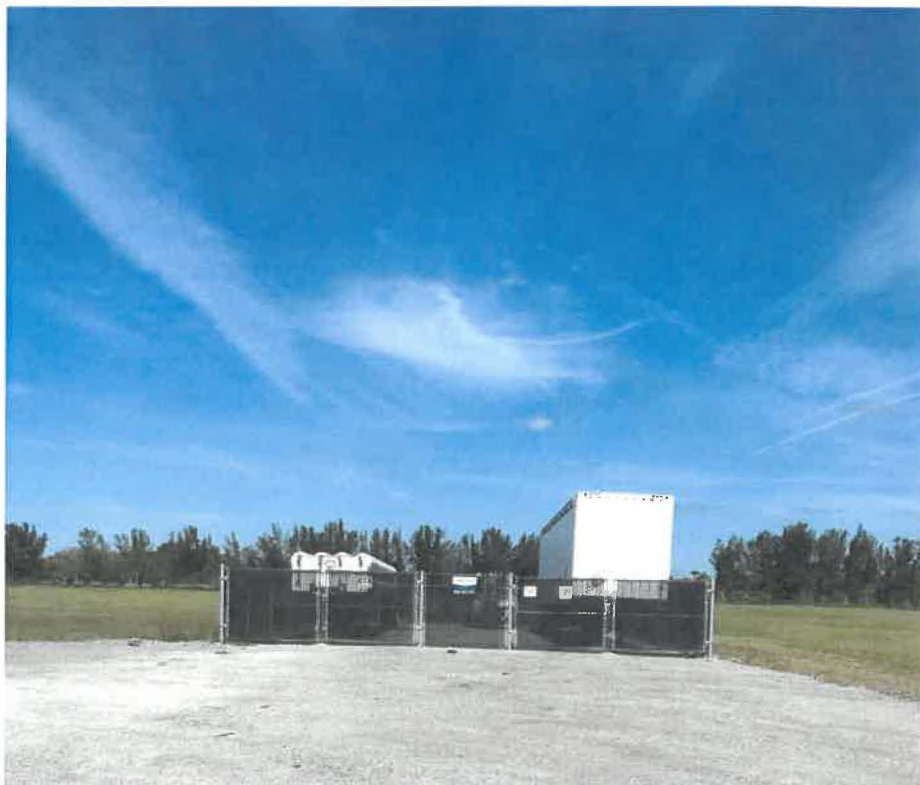
FINAL REMARKS

The subject application will be heard by the City Council per the City' LDR Code, Chapter 2, Article 2.2, Section 1 (C)(3), "Applications for extensions of more than 90 days require the same type of approval as the original application".

Florida Public Utility (FPU) is requesting a Sixth Time Extension to allow a temporary gas facility to provide service to City's residents. The applicant is requesting an additional **twelve (12) months extension to July 31, 2021**. Once the permanent lines are installed, the temporary gas utility will be removed from the property.

The proposed temporary gas utility is needed to provide gas service to the City residents of Hammocks, Meadows, Sky Cove and Cresswind. Currently, the City has issued a total of 678 single home permits from which 338 have received a Certificate of Occupancy. Also, on June 8, 2020, City Council approved Pod O Phase 1 plat (The Grove) to build 277 single homes.

Staff is recommending the applicant submits a written Progress Report every three (3) months to communicate the status of the project to the City Council.



Existing Temporary Gas Utility Facility