

RESOLUTION 2021-13

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SEVENTH (7TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. FLORIDA PUBLIC UTILITIES COMPANY (FPU) IS REQUESTING A SIXTH (6) MONTH TIME EXTENSION TO DECEMBER 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 Utilities Company (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, Cresswind, and the Grove. The temporary facility includes two (2) gas tanks, perimeter fencing, and a screening fence; and

WHEREAS, on June 10, 2021, Florida Public Utilities Company (FPU), submitted an application for a six (6) months extension of a special permit application of a temporary gas utility use within Pod F of Westlake TTD to December 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.
6. On July 13, 2020 the applicant was granted a sixth Time Extension for and additional twelve (12) months that expires on July 13, 2021.

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 6-months extension filed by Florida Public Utilities Company 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 Interim 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 12th day of July, 2021.

PUBLISHED on 2nd day of July, 2021 in the Palm Beach Post.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Donald Doody, Interim City Attorney

“EXHIBIT A”



City of Westlake
Planning and Zoning Department – Staff Report
City Council Meeting 7/12/2021

PETITION DESCRIPTION

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

APPLICANT: Florida Public Utilities Company (FPU)

OWNER: Minto PBLH, LLC

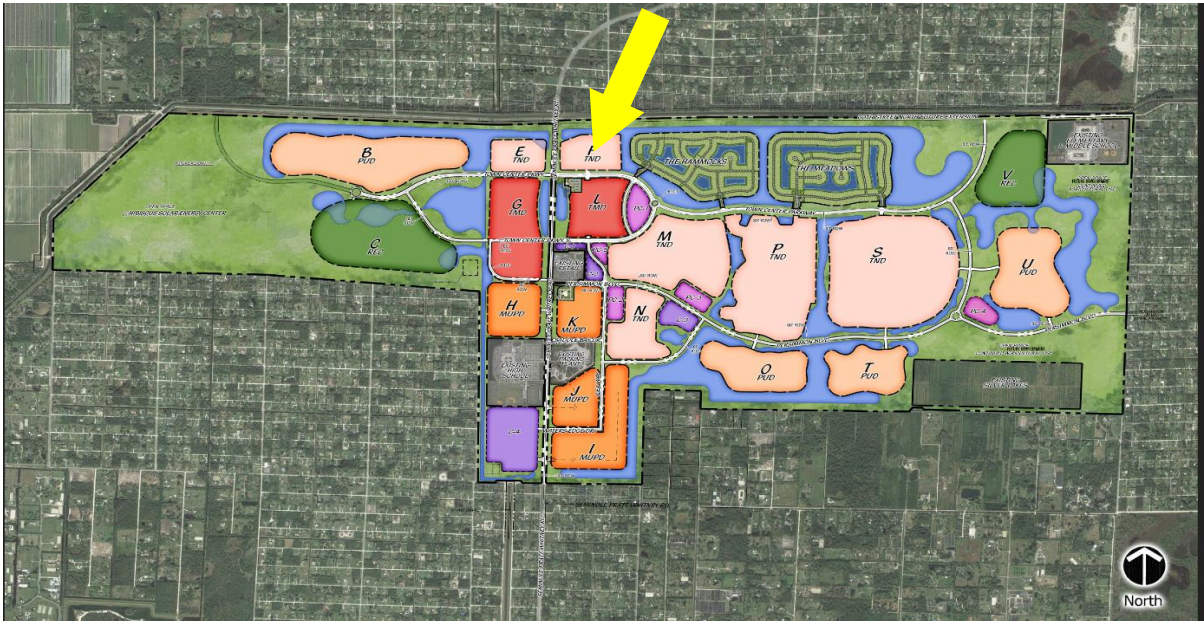
REQUEST: The Applicant is requesting approval of a seventh time extension for a special permit application of a temporary gas utility use within Pod F of Westlake TTD. The applicant is requesting a sixth (6) month extension to December 31, 2021.

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

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

LOCATION MAP

POD F



PETITION FACTS - Temporary Gas Facility – SEVENTH TIME EXTENSION

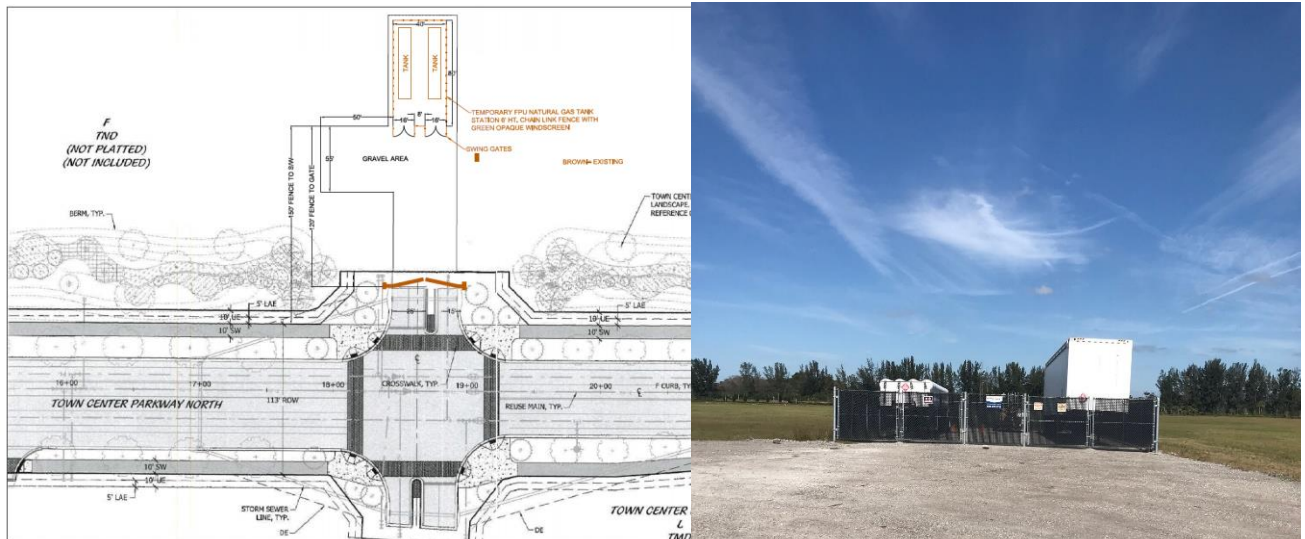
- a. Total Gross Site Area: 358.5 acres
- b. Total Affected Area: 0.28 acres
- c. Land Use and Zoning
 - Land Use: R2. City’s adopted Future Land Use Map, March 12, 2018.
 - Zoning: R2

BACKGROUND

On December 19, 2017 Florida Public Utilities Company (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, Cresswind, and the Grove **The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).**

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.
6. On July 13, 2020 the applicant was granted a **sixth** Time Extension for an additional twelve (12) months that expires on July 31, 2021.

STAFF ANALYSIS

The applicant is requesting a Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. **The applicant is requesting an additional sixth (6) months extension to December 31, 2021.**

The permanent gas pipeline will run from south to north on Seminole Pratt Whitney Road from FPU gate station located near Southern Blvd (State Road 80). Florida Public Utilities Company worked with a number of 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, FPU worked with the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, and Indian Trail Improvement District

*Per the applicant statement, "Florida Public Utilities is requesting an six(6) month extension to the temporary gas utility to provide gas within the Westlake community. Florida Public Utilities is in the process of installing a permanent pipeline to supply the City. After the permanent lines are installed, the temporary tankers will be removed from the property. The temporary facility will include two gas tankers, perimeter fencing & screen. Florida Public Utilities has secured all permits to construct the new line with exception of the SID permit. SID sent the Draft Permit to FPU on April 29th, 2021, FPU responded on May 3, 2021 with comments, and agreement to pay legal review fees. No response since then. **FPU plans to start construction the end of July 2021 with an estimated construction time of 12-16 week.**"*

Currently, FPU and SID are resolving pertinent legal matters to finalize the subject permits and initiate construction.

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 Seventh Time Extension to allow a temporary gas facility to provide service to City's residents. The applicant is

requesting an additional **sixth (6) months extension to December 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, Cresswind and the Grove. The City has issued a total of 850 Certificate of Occupancy up today (6/18/21).

Once, construction of permanent gas lines start, the approximately timeline to complete the project is four (4) months.

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.