

RESOLUTION NO. R-89-940

RESOLUTION APPROVING ZONING PETITION NO. 88-58
SPECIAL EXCEPTION PETITION OF
THE BOARD OF COUNTY COMMISSIONERS

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. 88-58 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 1988; 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. 88-58 the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Chair, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (WATER PUMP STATION) on a parcel of land lying in Section 36, Township 46 South, Range 42 East, said parcel being described as follows:

Commencing at the Southwest corner of said Section 36; thence with a bearing of North, along the West line of said Section 36, a distance of 2110.03 feet to a point; thence with a bearing of South 89 degrees 40' 13" East along the North Right-of-Way line of Pheasant Way, a distance of 1700.00 feet to the Point of Beginning; thence with a bearing of North, a distance of 190.50 feet to a point; thence with a bearing of South 89 degrees 40' 13" East, a distance of 159.00 feet to a point; thence with a bearing of South, a distance of 191.21 feet to a point lying on the North Right-of Way line of said Pheasant Way; thence with a curve to the left, along said North Right-of Way line, having an initial tangent bearing of North 86 degrees 56' 51" West, a radius

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of 2400.00 feet, an arc length of 114.05 feet to a Point of Tangency; thence with a bearing of North 89 degrees 40' 13" West, a distance of 45.00 feet, more or less, to the Point of Beginning, being located on the north side of Pheasant Way, approximately .3 mile east of Military Trail (SR 809), in a RS-Single Family Residential Zoning District was approved as advertised, subject to the following conditions:

1. Prior to the issuance of a building permit, the site plan shall be revised to reflect the following:
 - a. The required perimeter landscape buffer; and
 - b. A twenty-five (25) foot access dimension.
2. Use of the site shall be limited to a water storage facility with accessory buildings and structures, and a sanitary pump station.
3. The setback along the southern property line for future, or additional, structures to be constructed shall be limited to, or greater than, that of the existing structures on site.
4. The ficus hedge located around the perimeter of the site shall be preserved and maintained in a viable, healthy condition.
5. 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.
7. 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.
8. 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, 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Wilken and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Richard Ottum
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June J. Hardy
DEPUTY CLERK

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