

RESOLUTION NO. R-90- 1454

RESOLUTION APPROVING ZONING PETITION NO. 90-28
SPECIAL EXCEPTION PETITION OF HEINZ KAHLERT AND HERB KAHLERT
BY ROBERT A. BENTZ, AGENT

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 have been satisfied; and

WHEREAS, Petition No. 90-28 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 30, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 90-28, the petition of HEINZ KAHLERT AND HERB KAHLERT, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION FOR A PUBLIC AND PRIVATE UTILITY SERVICE (ELECTRIC SUB-STATION) on a parcel of land lying in the Southeast 1/4 of Section 10, Township 45 South, Range 42 East, being more particularly described as follows: Commencing at the Northwest corner of said Southeast 1/4 of Section 10; thence North 89 Degrees 52'27" East, along the north line of said Southeast 1/4 of Section 10, a distance of 340.63 feet to a point on a line 340.00 feet East of and parallel with the West line of said Southeast 1/4 of Section 10; thence South 03 degrees 20'59" West, along said parallel line, 75.14 feet to the POINT OF BEGINNING, said point being on a line 75.00 feet South of and parallel with said North line of the Southeast 1/4 of Section 10 (said line also being the South right-of-way line for Lake Worth Drainage District's required right-of-way for Lateral #19 as shown on Lake Worth Drainage District's required right-of-way maps dated May, 1969); thence North 89 degrees 52'27" East, along said parallel line, 400.00 feet; thence South 03 degrees 20'59" West, along a line 740.00 feet East of and parallel with said

West line of the Southeast $1/4$, 327.00 feet; thence South 89 degrees 52'27" West, along a line 402.00 feet South of and parallel with said North line of the Southeast $1/4$, 400.00 feet to a point on aforesaid parallel line being 340.00 feet East of and parallel with the West line of aforesaid Southeast $1/4$ of Section 10; thence North 03 degrees 20'59" East, along said parallel line, 327.00 feet to the POINT OF BEGINNING. TOGETHER WITH: A 60.00 foot wide strip of land for an ingress and egress easement, described as follows: Commencing at the Northwest corner of the Southeast $1/4$ of Section 10, Township 45 South, Range 42 East; thence North 89 degrees 52'27" East, along the North line of said Southeast $1/4$, 340.63 feet to a point on a line 340.00 feet East of and parallel with the West line of said Southeast $1/4$; thence South 03 degrees 20'59" West, along said parallel line, 75.14 feet to the POINT OF BEGINNING; thence continue South 03 degrees 20'59" West, along said parallel line 60.11 feet to a point on a line 135.00 feet South of and parallel with said North line of said Southeast $1/4$; thence South 89 degrees 52'27" West, along said parallel line, 296.89 feet to the Easterly right-of-way line of Jog Road; thence North 04 degrees 25'48" East, along said Easterly right-of-way line, 60.19 feet to a point on a line being 75.00 feet South of an parallel with said North line of the Southeast $1/4$; thence North 89 degrees 52'27" East, along said parallel line, 295.75 feet to the POINT OF BEGINNING and being located 300 feet east of Jog Road, bound on the north by Lake Worth Drainage District lateral Canal Number 19, approximately .5 mile south of Hypoluxo Road, in a RTS-Residential Transitional Suburban Zoning District, was approved on April 30, 1990 as advertised, subject to the following conditions:

1. A twenty-five foot (25') wide landscape buffer strip with a six foot (6') wall, hedge, fence, berm, or combination and two (2) rows of fourteen foot (14') trees spaced no more than twenty feet (20') on center along the entire perimeter of the site, except under the power lines.
2. A six foot (6') entrance gate across the proposed twenty foot (20') access/utility easement which shall prohibit access to unauthorized personnel.
3. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.
4. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. 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 on site 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**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$110.00** (2 trips X **\$55.00** per trip).
8. The property owner shall convey to the Lake Worth Drainage District the 75 foot right-of-way adjacent to the subject site and the petitioner's ingress/egress easement, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to August 1, 1990.
9. **As** provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for **writ** of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

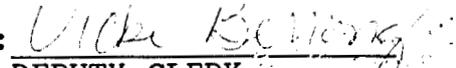
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK