

RESOLUTION NO. R-94- 939

RESOLUTION APPROVING ZONING PETITION **CA94-11**  
CLASS A CONDITIONAL USE  
PETITION OF 'ZIMMERMAN DEVEMPMENT SERVICES CORP.

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **CA94-11** was presented to the Board of County Commissioners at a public hearing conducted on July 28, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary **Use** Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity **of** the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 Petition **CA94-11**, the petition of Zimmerman Development Services Corp., by: Peter **McDonough**, AGENT for a CLASS A CONDITIONAL USE allowing a Residential Density Bonus (8 units) in the Residential Medium (RM) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt <b>Aaronson</b>	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN,, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

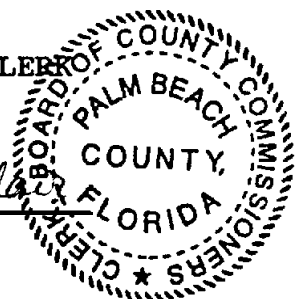
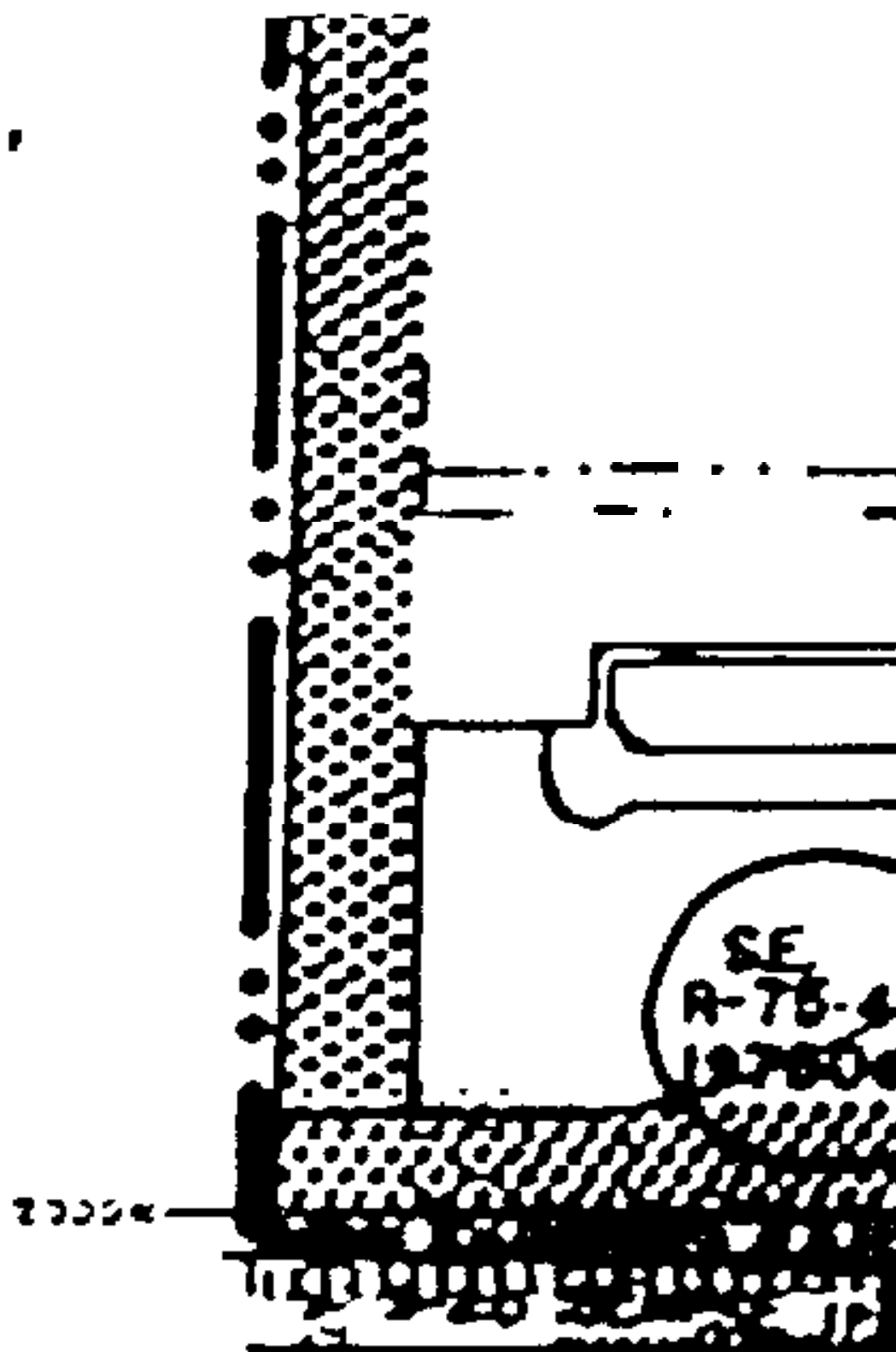


EXHIBIT A  
LEGAL DESCRIPTION

THE WEST 507.56' OF TRACT C, BLOCK 56. WESTGATE ESTATES,  
REPLAT OF BLOCKS 7 AND 55 AND BLOCK 56. ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 16 PAGE 14. OF THE PUBLIC  
RECORDS OF PALM BEACH COUNTY, TWP 43, RGE 43, SEC 30.



15-64



EXHIBIT C

CONDITIONS OF APPROVAL

A. ENGINEERING:

1. Prior to October 1, 1994 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for safe sight corners at Wabasso Drive and Oswego Avenue and at Wabasso Drive and Saranac Avenue free of all encumbrances and encroachments. Developer 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. (MONITORING/BUILDING - Engineering),
2. The Developer 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 at the time of the Building Permit is \$39,500 (240 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. This plat shall not be recorded until contracts have been let for the paving, drainage, and sewer improvements for Saranac Avenue and Oswego Avenue. Certificates of Occupancy shall not be issued until of the above improvements have been completed. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (ENGINEERING).
4. This request for twenty-four (24) units is covered under a Conditional Concurrency Reservation X92-03-17-001-C. The condition was imposed by the Land Development Division. Legal Positive Outfall is attainable, however verification is based upon and conditioned upon commencement of drainage improvements by We&gate/Belvedere Homes (CRA) prior to recordation of a plat and/or issuance of a Land Development Permit for subdivision of the subject property, said drainage improvements being designed to provide for control and treatment of stormwater from the subject property in substantial conformance with County Subdivision regulation requirements for stormwater management prior to discharge of subdivision runoff to a point of legal positive outfall. (MONITORING - Engineering)

B. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

C. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and **any/or** zoning which was approved concurrently with the Conditional Use;
  - 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;
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County **Board** of Adjustment or as otherwise provided in the Unified **Land** Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)