

RESOLUTION NO. R-89-743

RESOLUTION APPROVING ZONING PETITION NO. 87-103(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ADAMHILL FINANCIAL CORPORATION

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. 87-103(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-103(A), the petition of ADAMHILL FINANCIAL CORPORATION, by Beril Kruger, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on parcels of land lying as follows:

Parcel "A"

A parcel of land in Section 1, Township 46 South, Range 42 East, more particularly described as:

The North 125 feet of the South 295.29 feet of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 1. Subject to the Right-of-way of Military Trail.

Together with:

Parcel "B"

A tract of land in the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 46 South, Range 42 East, more particularly described as follows:

From the West 1/4 Section corner of Section 1, Township 45, Range 42 East, run South along the Section line a distance of 80 feet: thence in an Easterly direction with an angle of 92 degrees 28' measured from North to East, a distance of 40.04 feet to a point in the Easterly Right-of-way line of Military Trail and the Point of Beginning; thence in an Easterly direction along the extension of the preceding course, a distance of 629.15 feet to a steel rod: thence in a Southerly direction with an angle of 92 degrees 16' measured from West to South, a distance of 295.96 feet to a steel rod: thence in a Westerly direction, a distance of 628.15 feet to a point in the Easterly Right-of-way of Military Trail; thence along the East Right-of-way of Military Trail in a Northerly direction 295.28 feet to the Point of Beginning, being located on the east side of Military Trail (SR 809), approximately .1 mile north of Coconut Lane, bounded on the north by Lake Worth Drainage District Canal L-29, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Petitioner shall comply with **all** conditions of previous approvals unless expressly modified herein.
3. Prior to site plan certification, the petitioner shall submit a site plan to the Zoning Division, showing the proposed well. This plan shall be used for informational purposes only.
4. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
5. 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).
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted **on** the site.

7. If, at any time, the Maximum Contaminant Level (MCL) is exceeded on any of the test results, hook-up to a public water supply is required within 180 days. Bottled water is to be used in the interim.
8. Condition No. 13 of Zoning Petition No. 87-103, which currently states:

"13. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 60 feet from centerline free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners¹@ where appropriate at intersections as determined by the County Engineer."

Is hereby amended to read as follows:

"Prior to December 15, 1988 or prior to site plan certification, the petitioner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 60 feet from centerline free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners¹@ where appropriate at intersections as determined by the County Engineer."

9. Condition No. 22 of Zoning Petition No. 87-103, which currently states:

"22. Because water service is available to the property, a well shall not be approved for potable water use."

Is hereby deleted.

10. Water is to be supplied (potable) by a non-community public water system.
11. 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.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Watt 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	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Robert Altman
COUNTY ATTORNEY

BY:

June F. Hards
DEPUTY CLERK