

## RESOLUTION NO. R- 89-934

RESOLUTION APPROVING ZONING PETITION NO. 88-60  
REZONING WITH VOLUNTARY COMMITMENTS  
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. 88-60 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. 88-60, the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Chair, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO PO-PUBLIC OWNERSHIP ZONING DISTRICT (TO PERMIT A WATER STORAGE FACILITY), on a parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 46 South, Range 42 East, being more particularly described as follows:

The North 400.00 feet of the South 467.70 feet, less the East 400.00 feet thereof, of the following described parcel:

The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 27, and the East 20 feet of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 27 less the East 50 feet and the North 30 feet thereof for Road Right-of-way purposes and less the South 67.7 feet for Lake Worth Drainage District Lateral No. 38 Canal Right-of-way.

LEGAL DESCRIPTION OF PROPOSED ACCESS EASEMENT

A strip of land thirty (30) feet wide for use as an access easement for the above described parcel of land; the centerline of said access easement being more particularly described as follows:

Commencing at the Northeast corner of the above described parcel of land; thence South 89 degrees 24' 49" West along the North line of said parcel 35.00 feet to the Beginning Point of this description; thence North 00 degrees 17' 35" West 179.22 feet; thence North 88 degrees 28' 13" East 459.25 feet to the West Right-of-way line of Jog Road as laid out and in use, being located approximately 400 feet west of Jog Road (Carter Road) and approximately 1 mile north of Clint Moore Road, and being bounded on the south by the Lake Worth Drainage District Lateral Canal No. 38, was approved as advertised subject to the following voluntary commitments:

1. Petitioner shall remove the required ten foot landscape strip along southern property line out of the Lateral Canal L-38 Right-of-way.
2. Petitioner shall label the wooded area on the site plan as a "preserve".
3. The site plan shall be modified to meet all special regulations of the PO-Public Ownership Zoning District (Section 617.C of the Palm Beach County Zoning Code) prior to the issuance of a building permit.
4. Use of the site shall be limited to a water storage facility and accessory buildings and structures.
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.
6. 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.
7. Prior to Site Plan Certification the Water Utilities Department shall provide proof of legal access from Jog Road.

8. The petitioner shall convey to the Lake Worth Drainage District the south 105 feet of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 24, Township 46 South, Range 42 East less the East 450 feet thereof and also the South 105 feet of the East 20 feet of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of section 27 for the right-of-way of the C-38 Canal, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
  
9. Failure to comply with the voluntary commitments 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 voluntary commitments 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 A. Altman*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *June E. Hardy*  
DEPUTY CLERK

