

RESOLUTION NO. R-89-939

RESOLUTION APPROVING ZONING PETITION NO. 88-57  
SPECIAL EXCEPTION PETITION OF 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. 88-57 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. 88-57 the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Chair, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES (WATER TREATMENT PLANT) (WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR AN INTERIM SEWAGE TREATMENT PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-107) on that portion of Tract 5 and 6, Block 4, lying East of Florida Turnpike, Palm Beach Farms Company, Plat No. 3, Section 27. Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45-54, less that part described in Deed Book 1099, Page 224, being located at the northwest corner of the intersection of 15th Street North and 65th Avenue North, and being bounded on the northwest by Florida's Turnpike (Sunshine State Parkway), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to issuance of a certificate of occupancy the required landscape buffer shall be installed along all property lines. The buffer along the eastern property line shall be installed so as not to interfere with any

easements. An alternative landscape plan may be approved by the Zoning Division for only those areas in which the location of the easement prohibits the installation of vegetation.

2. The petitioner shall eradicate all **of** the prohibited species from the site, prior to the issuance of a certificate of occupancy.
3. Use of the site shall be limited to a water treatment facility with accessory structures.
4. All proposed structures shall meet or exceed the setbacks of those existing structures that are adjacent to the east property line.
5. Native vegetation shall be preserved where possible and shall be incorporated into the project design.
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 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. The property owner shall reserve the additional right-of-way for Jog Road, to be dedicated at no cost to Palm Beach County on an alignment approved **by** the Board of County Commissioners, 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 Corners" where appropriate at intersections as determined **by** the County Engineer.
9. If required by the County Engineer, the Palm Beach County Water Utilities Department shall convey adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of

Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment.

10. 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:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
DEPUTY CLERK

