

RESOLUTION NO. R-89- 1643

RESOLUTION APPROVING ZONING PETITION NO. 86-5(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF MOBIL OIL 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 have been satisfied; and

WHEREAS, Petition No. 86-5(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; 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 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. 86-5(A), the petition of MOBIL OIL CORPORATION, by Kieran J. Kilday, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Section 11, Township 46 South, Range 42 East, said parcel being more particularly described as follows:

Commencing at the East 1/4 corner of Section 11; thence, with a bearing of South 89 degrees 20' 58" West, along the East-West 1/4 line of Section 11, a distance of 60.00 feet to a point on the West Right-of-way line of Military Trail (SR 809); thence, with a bearing of South 00 degrees 19' 42" East, along the West Right-of-way line of Military Trail, a distance of 286.15 feet to a point on the South Right-of-way line of Via Delray, as recorded in Official Record Book 2226, Page 1210, said point being the Point of Beginning; thence, continue along the aforementioned West Right-of-way line of Military Trail, a distance of 384.84 feet; thence, with a bearing of South 89 degrees 17' 12" West, a distance of 384.73 feet; thence, with a bearing of North 00 degrees 39' 02" West, a distance of 410.40 feet to a point on the South Right-of-way line of Via Delray; thence, with a bearing of North 89 degrees 20' 58" East, along

Petition No. 86-5(A)

the South Right-of-way line of Via Delray, a distance of **361.89** feet to a point: thence, with a bearing of South **45** degrees **29'** **22"** East, a distance of **35.46** feet more or less to the Point of Beginning, being located on the west side of Military Trail (**SR 809**), approximately **1.2** miles north of West Atlantic Avenue (**SR 806**), in a CG-General Commercial Zoning District, was approved on May **25, 1989**, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
3. 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.
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. Condition No. **16** of Zoning Petition No. **86-5**, Resolution No. **R-86-855** presently states:

"16. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$39,971.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$119,912.00 to be paid as follows: one-half of the (\$119,912.00 shall be paid prior to September 1, 1986 (or prior to the issuance of a building permit, whichever shall first occur). The remaining one-half shall be paid prior to July 1, 1987 (or prior to the issuance of a building permit, whichever shall first occur), prior to the issuance of a building permit or prior to June 1, 1986 whichever shall first occur."

is hereby amended to read as follows:

"Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$39,971.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$119,912.00 to be paid as follows: one-half of the (\$119,912.00 shall be paid prior to September 1, 1986 (or prior to the issuance of a building permit, whichever shall first occur). The remaining one-half shall be paid prior to July 1, 1987 (or prior to the

issuance of a building permit, whichever shall first occur), prior to the issuance of a building permit or prior to January 1, 1990 whichever shall first occur."

- 7. Failure to comply with any conditions of approval 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 Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature] COUNTY ATTORNEY

BY: [Signature] DEPUTY CLERK

