

RESOLUTION NO. R-89-2208

RESOLUTION APPROVING ZONING PETITION NO. 88-23(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF MURIEL L. PELLICONE

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. 88-23(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 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. 88-23(A), the petition of MURIEL L. PELLICONE, by David L. Carpenter, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on the North 271.34 feet, of the West 300.00 feet, of the Northwest 1/4, of the Northwest 1/4, of Section 8, Township 44 South, Range 43 East, Less the North 40.00 feet thereof for Lake Worth Drainage District Lateral No. 6 and Less the right-of-way for Congress Avenue, being located on the east side of Congress Avenue (SR 807), approximately 100 feet north of Palmarita Road, in the CG-General Commercial Zoning District, was approved on June 29, 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 to the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
7. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
8. Condition **No. 24** of Zoning Petition **No. 88-23**, approved March 2, 1988, which currently states:

"24. The property owner shall construct a left turn lane, north approach on Congress Avenue at the project's entrance road. This construction shall include modifications to the existing bridge structure over the Lake Worth Drainage District Canal **No. 6**, as required concurrent with on site paving and drainage improvements. Permits for this construction shall be obtained from the Lake Worth Drainage District and the Florida Department of Transportation."

is hereby amended to read as follows:

"The property owner shall construct a left turn lane, north approach on Congress Avenue at the project's entrance road. This construction shall not include modifications to the existing bridge structure over the Lake Worth Drainage District **No. 6**. Permits for this construction shall be obtained from the Florida Department of Transportation. Should any permits not be able to be obtained prior to thirty (30) days of special exception approval from the Florida Department of Transportation, then this petitioner shall be relieved from this obligation and shall appropriately signed for "**No Left Turns**".

9. 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 Roberts moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Absent
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 December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

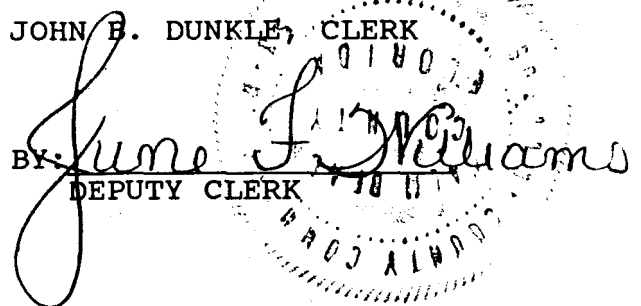
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

