

ORIGINAL

RESOLUTION NO. R-90- 1314

RESOLUTION APPROVING ZONING PETITION NO. 90-10
SPECIAL EXCEPTION PETITION OF RICHARD D. MOROSO
BY WILLIAM P. JACOBSON, AGENT

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. 90-10 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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 Plan 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. 90-10, the petition of RICHARD D. MOROSO, BY WILLIAM P. JACOBSON, AGENT, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (PRIVATE SEWAGE TREATMENT PLANT) on a tract of land in Section 11 and 14, Township 41 south, Range 40 East, more particularly described as follows: Beginning at the intersection of the East line of Section 14, Township 41 South, Range 40 East, with the Northeasterly right-of-way line of State Road 710 (for convenience the East line of said Section 14 is assumed to bear North 0 degrees 15'49" East, and all other bearings shown herein are relative thereto); Thence North 53 degrees 17'12" West along the Northeasterly right-of-line of said State Road 710, a distance of 497.28 feet to a point in a line parallel to and 400.00 feet Westerly from (measured at right angles to) the East line of said Section 14; Thence North 0 degrees 15'49" East along said parallel line, a distance of 527.15 feet to its intersection with a line parallel to and 400.00 feet Westerly from (measured at right angles to) the East line of Section 11 of said Township and Range; Thence North 0 degrees 13'19" East along said parallel line, a distance of 828.36 feet to a point in a line parallel to

and 1090.00 feet Northeasterly from (measured at right angles to) the Northeasterly right-of-way line of said State Road 710; Thence North 53 degrees 17'12" West along said parallel line a distance of 1340.71 feet; Thence North 35 degrees 55'33" East along the extension of a line radial to a curve to be described, a distance of 310.58 feet to a point in the arc of a curve concave to the Northeast and having a radius of 65.00 feet; Thence Northwesterly and Northerly along the arc of said curve through an angle of 54 degrees 20'02" a distance of 74.12 feet to the end of said curve and to a point in the Southerly extension of the West line of the East 1/2 of the Northeast 1/4 of said Section 11; Thence North 0 degrees 15'35" East along said West line and tangent to said curve, a distance of 3357.38 feet to a point in the North line of said Section 11; Thence South 89 degrees 37'49" East along the North line of said Section 11, a distance of 1321.47 feet to the Northeast corner thereof; Thence South 0 degrees 13'19" West, along the East line of said Section 11, a distance of 5234.86 feet to the Southeast corner thereof; Thence South 0 degrees 15'49" West along the East line of said Section 14, a distance of 822.74 feet to the POINT OF BEGINNING, containing in all 142.53 acres, more or less and being located on the north of the Beeline Highway, approximately .5 mile northwest of Seminole Pratt-Whitney Road in a IL-Light Industrial Zoning District, was approved on February 22, 1990, as advertised, subject to the following conditions:

1. No site plan approval shall be granted for this development until the application and engineering plans to construct a water treatment plant are submitted to the Health Department.
2. No site plan approval shall be granted for this development until the application and engineering plans to construct a sewer treatment plant are submitted to the Health Department.
3. The specific site plan shall comply with all Zoning Code and Landscape Code requirements.
4. Prior to Site Plan Review Committee approval, the petitioner shall submit documentation demonstrating the location of a 20 foot wide recorded easement type road.
5. 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.
6. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures 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. Potable water supply will be provided by a water treatment plant designed to meet the requirements of a non-transient, non-community system, in accordance

with Chapter 17-22 F.A.C. and Palm Beach County E.C.R., - 11. The system will be operated by Northern Palm Beach Water Control District.

9. A package treatment plant is proposed to handle sewage disposal. This plant shall be designed to meet the requirements of D.E.R. Chapter 17-4 and 17-6 F.A.C.
10. 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 on site 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
11. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
12. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$220.00 (4 trips X \$55.00 per trip).
13. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

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

