

RESOLUTION NO. R-91- 1475

RESOLUTION APPROVING ZONING PETITION NO. 91-27
REZONING PETITION OF
GASPAR & ELIZABETH MORELLO, & A. BRADLEY RAITZ

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. 91-27 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 1991; 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 the 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, Chapter 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. 91-27, the petition of GASPAR AND ELIZABETH MORELLO AND A. BRADLEY RAITZ, BY ANNA COTTRELL, AGENT, for a REZONING FROM **AR**, IN PART, AND CG, IN PART, TO ENTIRELY CG on a parcel of land lying in PARCEL 1: From the southeast corner of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East; run **North** along the East line of said 1/4 Section a distance of 1,573.22 feet; thence run Westerly at an angle of 89 degrees 50 minutes 17 seconds from the last preceding course, measured from North to West a distance of 50.00 feet to a POINT OF BEGINNING; thence run Westerly on a prolongation of the last preceding course a distance of 212.50 feet; thence Northerly on a line parallel to the East line of said 1/4 Section a distance of 190.47 feet; thence Easterly on a line which forms an angle of 90 degrees 13 minutes 18 seconds with the East line of said 1/4 Section, measured from West to South, a distance of 212.50 feet; thence Southerly on a line parallel to the East line of said 1/4 Section a distance of 190.25 feet (205.203 feet, description) to the POINT OF BEGINNING; LESS the East 3.00

feet of said tract; LESS the East 14.00 feet of the above described parcel; PARCEL 2: The East 106.00 feet of the following described parcel: From the Southeast corner of the southwest 1/4 of said Section 36, run North along the East line of said 1/4 Section, a distance of 1,573.22 feet; thence Westerly at an angle of 90 degrees 09 minutes 43 seconds measured from South to West a distance of 50.00 feet to a point; thence running Westerly on a prolongation of the last preceding course, a distance of 530.50 feet to a POINT OF BEGINNING of the lands herein described; thence Northerly on a line parallel to the East line of said 1/4 Section, a distance of 190.80 feet; thence Easterly on a line which forms an angle of 89 degrees 46 minutes 42 seconds measured from South to East, a distance of 318 feet; thence Southerly on a line parallel to the East line of said 1/4 Section, a distance of 190.47 feet; thence West on a line parallel to the next to the last course, a distance of 318 feet to the POINT OF BEGINNING, LESS the West 106.00 feet thereof; TOGETHER with right of ingress and egress over a 30.00 foot strip of land running west from Military Trail, more particularly described as: Beginning at the Southeast corner of the Southwest 1/4 of said Section 36; thence North along the 1/4 Section line a distance of 1,793.426 feet to a point in the center of Military Trail; thence West on an angle of 90 degrees 13 minutes 18 seconds from South to West a distance of 50 feet to the POINT OF BEGINNING; thence continue West on the last course a distance of 1,292.71 feet to a point; thence South on an angle of 89 degrees 37 minutes 15 seconds from East to South a distance of 30 feet to a point; thence East on an angle of 90 degrees 02 minutes 45 seconds from North to East a distance of 1,292.79 feet to a point; thence North on an angle of 89 degrees 46 minutes 42 seconds from West to North a distance of 30 feet to the POINT OF BEGINNING, and being located on the S.W. CORNER OF THE INTERSECTION OF S. MILITARY TR. AND COLLIER RD., was approved on July 25, 1991, as advertised, subject to the following voluntary commitments:

A. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

B. LANDSCAPING

1. Landscaping along the north, west and south perimeters shall include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
 - b. A minimum twenty-four (24) inch tall native hedge at planting, maintained at a minimum thirty-six (36) inch height.
2. The required landscaping shall be placed on the exterior side of the walls along the south and west property lines.

C. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum height of fifteen (15) feet, low intensity, shielded and directed downward away from adjacent properties and streets.

E. ENGINEERING

1. 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.
2. Prior to January 1, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall provide to Palm Beach County verification that a Deed Restriction for a 25 foot safe sight corner at the southwest corner intersection of Collier Road and Military Trail. Maintenance of this safe site corner shall be the responsibility of the property owner.
3. The Property owner shall construct Collier Road from Military Trail west to the project's western entrance onto Collier Road. This construction shall be a minimum 2-10 travel lanes local street standards including appropriate drainage concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

F. UNITY OF TITLE

1. The petitioner shall submit two (2) executed copies of a Unity of Title covering the entire property prior to paving and drainage permitting. This document shall be in a form acceptable to the County Attorney.

G. COMPLIANCE

1. 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 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:

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	ABSENT
Maude Ford Lee	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

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

R91 14751