

RESOLUTION NO. R-95-1119

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 94-78  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-95-113  
WHICH APPROVED THE SPECIAL EXCEPTION OF  
PALM BEACH COUNTY SOLID WASTE AUTHORITY  
PETITION NO. 94-78

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 94-78 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 24, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 94-78 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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.
2. Commitment number E2, as written, cannot be satisfied due to the level of the existing positive outfall.
3. The current requirement to convey 55 feet may have a negative effect on an existing berm and storm water collection system.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 94-78, to amend voluntary commitments of Resolution No. R-95-113, the petition of the Palm Beach County Solid Waste Authority, Petition No. 94-78, which rezoned the property to the PO-Public Ownership Zoning District, on all of the north one-half (N. 1/2) of Section 26, Township 42 South, Range 42 East, Palm Beach County, Florida, lying south of the southerly right-of-way line of the Seaboard Coast Line Railroad, and west of the westerly right-of-way line of Haverhill Road;

Together with:

All that part of the south one-half (S. 1/2) of Section 26, Township 42 South, Range 42 East, Palm Beach County, Florida, lying

west of the westerly right-of-way of Haverhill Road and lying south of the southerly right-of-way line of the Seaboard Coast Line Railroad and that part of Section 35, Township 42 South, Range 42 East, Palm Beach County, Florida, lying west of the westerly right-of-way line of Haverhill Road and the westerly right-of-way line of a turn lane for Haverhill Road, per right-of-way quit claim deed recorded in official records book 6779, pages 1703 through 1706, inclusive of the public records of Palm Beach County, Florida, and lying north of the southerly right-of-way line of Dyer Boulevard and the westerly extension thereof, as shown on Palm Beach County, Florida Engineering Department ownership survey of Sections 22, 23, 26, 27, 34 and 35, Township 42 South, Range 42 East, and Sections 2 and 3, Township 43 South, Range 42 East, Drawing No. S3-82-722B, Sheet 4 of 8, Dated 9/23/82, last revised 11/12/91.

Less and except therefrom:

All of that portion of land described in right-of-way deed for Northern Palm Beach Water Control District, lying north of the southerly right-of-way line of said Dyer Boulevard.

Said lands lying in Palm Beach County, Florida, being located on the southwest corner of Haverhill Road and Beeline Highway (SR #710), is approved, subject to the following commitments:

1. All previously approved conditions continue to apply unless expressly modified herein.
2. Voluntary commitment number E2 Resolution R-95-113 which currently states:

On or before July 1, 1995 the property owner shall convey to the Land Development Division adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for runoff from those segments of Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Haverhill 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 and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Is hereby amended to state:

On or before October 1, 1995 the property owner shall convey to the Land Development Division adequate road drainage easement(s) through the project's internal surface water management system to provide drainage for runoff from Haverhill Road along the property frontage. Said easements shall be no less than 20 feet in width. Should the drainage easement(s) be utilized, Palm Beach County Engineering shall be responsible for the design, permitting, regulatory compliance, construction and associated costs of the drainage system. (MONITORING - Engineering)

3. Voluntary commitment number E3 of Resolution R-95-113 which currently states:

The property owner shall convey to Land Development Division by road right-of-way warranty deed for

Haverhill Road, 55 feet from centerline on or before July 1, 1995. Right of way conveyance shall be along the projects entire frontage. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate as determined by the County Engineer.

Is hereby amended to state:

On or before October 1, 1995, the property owner shall convey to Land Development Division by road right-of-way warranty deed for Haverhill Road, 55 feet from centerline or five feet west of the east property line, whichever is less. Right of way conveyance shall be along the projects entire frontage. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (MONITORING - Engineering)


Commissioner Aaronson moved for approval of the Resolution.

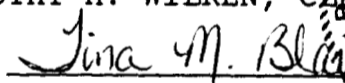
The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

KEN FOSTER, CHAIR	Aye
BURT AARONSON	Aye
MAUDE FORD LEE	Aye
KAREN T. MARCUS	Aye
MARY MCCARTY	Absent
WARREN H. NEWELL	Aye
CAROL ROBERTS	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 24th day of August, 1995.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY COMMISSIONERS  
 DOROTHY H. WILKEN, CLERK  
 BY:   
 DEPUTY CLERK

