

RESOLUTION NO. R- 86-113

RESOLUTION APPROVING ZONING PETITION 85-116, Rezoning

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-116 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 1985; and

WHEREAS, the Board of County Commissioners 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, the petitioner agreed that reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties; and

WHEREAS, the petitioner agreed that reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters; and

WHEREAS, the petitioner agreed that the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division; and

WHEREAS, the petitioner agreed that the property owner shall convey for the ultimate right-of-way of: a) SR 700 (US 98) 60 feet from centerline,
b) SR 15 60 feet from centerline,
all within 90 days of adoption of the Resolution by the Board of County Commissioners; and

WHEREAS, the petitioner agreed that the turn Lanes should be provided at the projects entrances; and

WHEREAS, the petitioner agreed that the property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit; and

WHEREAS, the petitioner agreed that the property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto SR 700 and SR 15; and

WHEREAS, the petitioner agreed that he shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting; and

WHEREAS, the petitioner agreed that the developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction; 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 Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of October 1985, that Petition No. 85-116 the petition of THE SCHOOL BOARD OF PALM BEACH COUNTY, By Thomas J. Mills, Superintendent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT, INPART, CG-GENERAL COMMERCIAL DISTRICT, INPART, AND RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY), INPART, TO PO-PUBLIC OWNERSHIP DISTRICT on the East 25 feet of Lots 3, 4 through 6, inclusive, Southerly 1/2 East Beach Avenue, Westerly 1/2 of Flagler Street adjacent thereto, both abandoned, Block 27, plus that part of College Avenue adjacent thereto, now abandoned.

Lots 1 through 6, inclusive, Southerly 1/2 of the East Beach Avenue and that part of College Avenue adjacent thereto, now abandoned Block 37, plus the Easterly 1/2 of Plagler Street adjacent thereto.

Lots 1 through 24, inclusive, abandoned alley separating Lots 1 through 10 from Lots 11 through 24, Block 38 and Northerly 1/2 of abandoned East Beach Avenue adjacent to Lots 11 through 24, Block 38, plus the East 1/2 of abandoned Flagler Street adjacent to Block 38.

Lots 9 through 24, inclusive, abandoned alley separating Lots 9 through 16 from Lots 17 through 24, Block 26 and Westerly 1/2 of abandoned Flagler Street adjacent to Block 26, plus North 1/2 of abandoned East Beach Avenue adjacent to Lots 17 through 24, Block 26.

All of the aforementioned parcels, abandoned streets and alleys, being a part of the Plat of Nemaha in Section 33, Township 41 South, Range 37 East, as recorded in Plat Book 3, Page 28, and

Lot 1, Block 28; Lot 1, Block 36; Lot 1, Block 40, all of the Town of Nemaha, according to a Plat thereof, in Plat Book 3, Page 28, and

Being that part of the following described parcel lying South of the Southerly right-of-way line of State Road 700 as shown on Department of Transportations R/W Map Section No. 93140-2108, Sheet 2 of 2, Dated 10-51, no revisions shown;

A parcel of land lying and situate in that part of Fractional Section 34, Township 41 South, Range 37 East, lying South and West of the West Palm Beach Canal, more particularly described as follows: from the railroad rail monument marking the Southwest corner of Section 34, Township 41 South, Range 37 East, run North 0 degree 31'45" West along the West line of said Section 34, a distance of 1220.22 feet to the Point of Beginning: from the Point of Beginning run North 0 degree 31'45" West along the West line of said Section 34 a distance of 1,315.64 feet to the South right-of-way line of State Road No. 194, which right-of-way line is 15.00 feet South-Westerly from and parallel to the right-of-way Connors Highway as shown on Page 45 of Plat Book 16; thence South 51 degrees 47'50" East along said right-of-way line of State Road No. 194, a distance of 397.92 feet to a point; thence South 0 degree 31'45" East parallel to the West line of said Section 34, a distance of 1066.67 feet to a point; thence South 89 degrees 28'15" West at right angles to the West line of said Section 34, a distance of 310.41 feet to the Point of Beginning.

Said property located on the west side of Everglades Street and the

south side of "M" Street approximately 300 feet south of Connors Highway was approved as advertised with voluntary commitments.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Janice E. Clayton
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Brown
County Attorney