

RESOLUTION NO. R-86-114

RESOLUTION APPROVING ZONING PETITION 85-119, 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. 85-119 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 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 petitioner agreed that security lighting shall be directed away from nearby residences; 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 any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other

means. The design and installation plans will be submitted to the Health Department for approval prior to installation; and

WHEREAS, the petitioner agreed that any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.; 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 Congress Avenue, 53 feet from centerline (approximately an additional 3 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit; 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 Palm Beach County Engineering Department, Permit Section for access onto Meadow Road and a permit from the Florida Department of Transportation for access onto Congress Avenue; 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 six (6) foot wall along the northern and western property lines shall be supplemented with one (1) tree planted thirty (30) feet on center; and

WHEREAS, the petitioner agreed that he shall record covenants restricting the use of the site so that no food or beverage convenience type stores, or fast food establishments may be located on the subject site. The covenants shall run to the benefit of the Board of County Commissioners; and

WHEREAS, the petitioner agreed that there shall be no off-site parking of employees or customers; 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. 85-119 the petition of D.J. SNAPP, 111, for the REZONING, FROM RS-RESIDENTIAL SINGLE FAMILY DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on Lot 10, Block 3, Frost Park, in Section 18, Township 44 South, Range 43 East, as recorded in Plat Book 23, Page 188, less the East 10 feet thereof. Said property located on the northwest corner of the intersection of Meadow Road and Congress Avenue (S.R. 807), approximately 0.5 mile south of Forest Hill Boulevard (S.R. 882) was approved as advertised with voluntary commitments.

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

Ken Adams, Chairman	--	AYE
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: Jean Mary Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

David G. Gagnier
County Attorney