

RESOLUTION NO. R-86-238

RESOLUTION APPROVING ZONING PETITION 85-152, 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. 85-152 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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 has 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 has 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 17-36, 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 Lawrence Road, 40 feet from centerline 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 remove all paved parking presently in the right of way of Tucks Road; ~~anti~~

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 application 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 Lawrence Road; and

WHEREAS, the petitioner agreed that the petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting; 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 2nd of December 1985, that Petition No. 85-152 the petition of POMILIO ANTONIO MARIA ECHEMENDIA, By Beril Kruger, Agent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO CN-NEIGHBORHOOD COMMERCIAL DISTRICT starting at the Southwest corner of Section 18, Township 45 South, Range 43 East; thence running Northerly along the west line of said Section 18 for a distance of 468.38 feet to a point; thence turning an angle of 94 degrees 16'30" measured from South to East and running a distance of 33.15 feet to the point of beginning of the following described parcel; thence

continuity along the same line for a distance of 105.00 feet to a point; thence turning an angle of 94 degrees 21'00" measured from West to North and running a distance of 194.85 feet to a point; thence turning an angle of 85 degrees 42'16" measured from South to West and running a distance of 105.00 feet to a point; thence turn an angle of 94 degrees 17'44" from East to South and run a distance of 194.95 feet to the Point of Beginning. Also known as Lot 1, Len Tucks Subdivision, Unrecorded. Said property located on the northeast corner of the intersection of Lawrence Road and Tucks Road was approved as advertised subject to voluntary commitments.

Commissioner Spillias, 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	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia J. Weaver
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

Andy Brown
 County Attorney