

RESOLUTION NO. R-89-944

RESOLUTION APPROVING ZONING PETITION NO. 88-62
SPECIAL EXCEPTION PETITION OF
THE BOARD OF COUNTY COMMISSIONERS

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. 88-62 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 1988; 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, this approval is subject to 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-62 the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY BUILDING AND STRUCTURES (PUMP STATION, AND WATER TREATMENT PLANT), on the Northeast 1/4 of Section 10, Township 46 South, Range 42 East, less the East one 1/4 of said Northeast 1/4; also less the North 100 feet of said Northeast 1/4 and the South 330 feet of the West one quarter of said Northeast 1/4. Together with a 30 foot easement for ingress and egress over and across the South 30 feet of the North 130 feet of the East 1/4 of the Northeast 1/4 of said Section 10, less the East 53 feet thereof, being located on the east side of Jog Road, approximately .2 mile west of El Clair Road (60th Avenue South), being bounded on the north by Lake Worth Drainage District Lateral Canal No. 30, and on the south by Lake Worth Drainage District Lateral Canal No. 31, was approved as advertised, subject to the following conditions:

1. At such time that the waste water treatment plant is phased out, use of the site shall be limited to a water treatment plant and operation maintenance facility, customer service center and sanitary pump station.
2. The site plan for the operations and maintenance facility shall be subject to Site Plan Review Committee approval.
3. Construction of the planned operation and maintenance facility and the customer service facility will not commence until an alternate access route to the western portion of the site is completed. At this time, the El Clair Ranch Road access will only be used to service the wellfield and for emergency purposes. The intention is to divert routine traffic to and from the site away from the residential roads east of the site.
4. 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 onsite 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. 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.
5. If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
6. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Jog Road, 60 feet from centerline on an alignment approved by the County Engineer and the Board of County Commissioners free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
7. The property owner shall construct or pay for the construction of a left turn lane, north approach and a left turn lane, east approach at the intersection of future Jog Road and the project's entrance road concurrent with the construction of Jog Road by others.

8. If required by the County Engineer, the Palm Beach County Water Utilities Department shall convey adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Jog 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 requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment.

9. Unless there exists an emergency situation, or a short-fused regulatory agency deadline, all construction activity at the Via Delray site will be limited to normal daylight construction hours, approximately 7:00 a.m. to 7:00 p.m.

10. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus 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:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1988 confirming action of May 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

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