

RESOLUTION NO. R-91-596

RESOLUTION APPROVING ZONING PETITION NO. 88-98(C)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF JOHN JADO AND LOU MESSINA

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, **have been** satisfied; and

WHEREAS, Petition No. 88-98(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 24, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-98(C), the petition of JOHN JADO AND LOU MESSINA, BY DENNIS P. KOEHLER, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CONDITION NO. 17 (R-89-1241) PERTAINING TO WATER AND SEWER, being located on a parcel of land in Lot 8, Block 1, Replat of Loxahatchee District Subdivision, LOXAHATCHEE GROVES, as recorded in Plat Book 12, Page 29, more particularly described as follows: Commencing at the intersection of the East line of said Lot 8 with the North right of way line of Florida State Road No. 80; thence Westerly along said right of way line, a distance of 138.89 feet to the point of beginning; thence continue Westerly, along said right of way line, a distance of 200 feet; thence Northerly, parallel to the East line of said Lot 8, a distance of 300 feet; thence Easterly, parallel with the North line of said Block 1, a distance of 200.05 feet; thence Southerly, parallel with the East line of said Lot 8, a distance of 303.17 to the point of beginning; LESS the South 32.01 feet for road right of way as in Deed Book 1005, Page 577, and further LESS Parcel No. 105 recorded at Official Records Book 5399, Page 466, as described as that part of Tract 8 in Block 1, of LOXAHATCHEE GROVES recorded in Plat Book 12, Page 29, more particularly described as follows: Commence at the Northwest corner of Section 32, Township 43 South, Range 41 East;

thence South 01°21'04" West along the Westerly said Section line a distance of 3,415.35 feet to the base line of survey for State Road 80; thence South 88°26'59" East a distance of 1,240.33 feet; thence North 01°33'01" East a distance of 50.00 Feet to the Northerly existing right of way for State Road 80 and the Point of Beginning; thence North 01°15'45" East a distance of 120.00 feet; thence South 88°26'59" East a distance of 200.03 feet; thence South 01°50'45" West a distance of 120.00 feet to the Northerly existing right of way for State Road 80; thence North 88°26'59" West a distance of 200.03 feet to the Point of Beginning, on the N. SIDE OF SOUTHERN BLVD. .2 MILE W. OF "D" RD. IN THE CG ZONING DISTRICT, as approved on January 24, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. The property owner shall comply with all previous conditions of approval, unless expressly modified herein.

B. AUTO SERVICE STATION

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge.
2. The car wash facility shall utilize a 100% recycling system.

C. MODIFICATION

1. Condition No. 17 of Resolution No. R-89-1241, which currently states:

Water service is available to the property. Therefore, no well water shall be permitted on the site to provide potable water."

is hereby modified to state:

"Water service may be provided to the site from an on-site potable water supply. The application and engineering plans to construct an on-site potable water supply must be submitted to the Palm Beach County Public Health Unit prior to site plan certification."

D. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding **of** non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals **of** any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or **as** otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board **of** County Commission decision, shall be by petition for writ **of** certiorari to the Fifteenth Judicial Circuit

commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of May, 1991.

APPROVED AS TO **FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Michelle P. Brown*
DEPUTY CLERK