

RESOLUTION NO. R-84-351

RESOLUTION APPROVING ZONING PETITION 83-154, 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. 83-154 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December 1983; 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 recommendation of the Planning Commission; and

WHEREAS, the petitioner agreed that the development shall retain 85% of the stormwater runoff generated by a three (3) year 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 **Benoist Farms Road, 80 feet** west of the west right-of-way line of the LWDD **E2 Canal**, conveyance must be accepted by Palm Beach County prior to issuance of the first Building permit; and

WHEREAS, the developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties; and

WHEREAS, the developer shall take necessary measures during the development **of, this** property to prevent pollutant runoff to neighboring and nearby surface waters; and

WHEREAS, the developer will employ appropriate screening measures to prevent an unsightly appearance of this property; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed rezoning is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. **The proposed rezoning is in keeping with the zoning of nearby properties.**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day December 1983, that Petition No. 83-154 the petition of ABNER A. BYER by John Marthaler, Agent, for the REZONING, FROM **AR-AGRICULTURAL-RESIDENTIAL** TO **IL-LIGHT INDUSTRIAL** on a part of Tract 24, Block 7, of Palm Beach Farms Subdivision, Plat 3 in Section 32, Township 43 South:, Range 42 East, as recorded in Plat Book 2, Page 46, being more particularly described as follows: Commence at the intersection of the West right-of-way Line of Benoist Road and the North Boundary of Said Tract 24 for a Point of Reference, from said point of reference run thence South **00°37'14"** East, along the West right-of-way Line of said Benoist Road 60.00 feet to the Point of Beginning. From said Point of Beginning, continue **South .00° 37'14"** East along said right-of-way line, 150.00 feet to a point; thence West, parallel to the North boundary of said Tract 24, 300.00 **feet** to a point; thence North **00° 37'14"** West, parallel to the West **right-of-way** line of said Benoist Road 150.00 feet to a **point, thence** East, parallel to the North boundary of said Tract 24, 380.00 feet to the Point of Beginning. Said property located on the west side of Benoist Farms Road, approximately .4 miles north of Southern Boulevard (S.R. 80) was approved as advertised with voluntary commitments.

Commissioner **Koehler** , 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:

Peggy E. Evatt, Chairman	- AYE
Ken Spillias, Vice Chairman	- ABSENT
Dennis P. Koehler, Member	- AYE
Dorothy Wilken, Member	- AYE
Bill Bailey, Member	- ABSENT

The foregoing resolution was declared duly passed and adopted this **13th day of March , 1984** , confirming action of **1st December 1983**.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa Cropp*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Bartlett
County Attorney