

RESOLUTION NO. R- 85-715

RESOLUTION APPROVING ZONING PETITION 85-11, Special Exception

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. 85-11 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 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 Board of County Commissioners made the following findings of fact:

1. With modifications to the site plan, and variance relief, this proposal will be 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 28th of February 1985, that Petition No. 85-11 the petition of DON LYONS By David Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on Lots 18 and 19, according to the Plat of Okeechobee Gardens Estates, in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 23, Page 181. Said property located on the east side of Spafford Avenue approximately .1 mile north of Okeechobee Boulevard (S.R. 704) was approved as advertised subject to the following conditions:

1. Prior to site plan certification the petitioner shall obtain variance relief from the Board of Adjustment to allow the existing structure to encroach a minimum required setback, and to allow grassed parking, or the site plan shall be modified to correct these deficiencies.

2. Required office parking and channelization shall be paved.
3. Prior to site plan certification the site plan shall be amended to reflect the following:
 - a) appropriate site plan graphics, including properly oriented north indicator, and comprehensive tabulation of site plan elements and statistics, including required and proposed parking area interior landscaping.
 - b) a three foot utility easement along the rear property line.
 - c) graphic articulation of access treatment, traffic channelization and parking geometrics, including dimensions.
3. A six foot (6') fence shall be constructed to enclose and secure the site.
4. Outdoor lighting shall be directed away from abutting properties.
5. 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.
6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
7. 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.
8. 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.
9. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
10. The developer shall construct Spafford Avenue from Okeechobee Boulevard to the project's entrance concurrent with onsite paving and drainage improvements, pursuant to a paving and drainage permit issued from the office of the County Engineer, including drainage. Drainage approval shall also be obtained from the Florida Department of Transportation if any work is performed within the Okeechobee Boulevard right-of-way.
11. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is \$200.00.
12. There shall be no outdoor storage of disassembled vehicles or outdoor storage of vehicle parts.

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	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted
this ~~day~~ **MAY** of **7 1985** confirming action of the 28th February
1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Ingram
County Attorney