

RESOLUTION NO. R- 86-106

RESOLUTION APPROVING ZONING PETITION 85-75, 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. 85-75 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 site plan modifications, 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 30th of October 1985, that Petition No. 85-75 the petition of MARTIN C. AND ELIZABETH MCCABE 111, AND RICHARD E. AND CATHERINE R. NEVAD By Charles A. Owens, Agent for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE COMBINATION on a parcel of land being a part of Section 33, Township 44 South, Range 43 East more particularly described as follows:

Commencing at the Southwest corner of said Section 33; thence Easterly along the South line of said Section 33, a distance of 825.0 feet, to the Point of Beginning of a parcel of land to be described; thence Northerly and parallel with the West line of said Section 33, a distance of 547.0 feet to a point; thence Easterly and parallel with the South line of said Section 33, a distance of 356.58 feet to

a point on the West line of the Seaboard Airline Railroad; thence Southerly along the Westerly Right-of-way line of said Seaboard Airline Railroad, a distance of 354.0 feet; thence Westerly and parallel with the South line of said Section 33 a distance of 184.57 feet; thence Southerly and parallel with the West line of said Section 33, a distance of 193.0 feet; thence Westerly and parallel with the South line of said Section 33, a distance of 170.0 feet to the Point of Beginning. Less the South 53.0 feet thereof for the Right-of-way of Lantana Road. Together with an abutting parcel of land also in Section 33, Township 44 South, Range 43 East, to be commencing at the above mentioned Point of Beginning; thence Northerly and parallel with the West line of said Section 33, a distance of 547.0 feet to the Point of Beginning; thence continuing Northerly and parallel with the West line of said Section 33, a distance of 125.0 feet; thence Easterly parallel with the South line of said Section 33, a distance of 357.60 feet to a point on the West line of the Seaboard Airline Railroad; thence Southerly along the West line of the Seaboard Airline Railroad, a distance of 125.0 feet to the Northeast corner of the above mentioned parcel; thence Westerly and parallel with the South line of said Section 33, a distance of 356.58 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Lantana Road and Sunset Drive, approximately 300 feet west of Interstate 95 was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:

a) Site plan graphic deliniation, and site data computations reflecting parking area interior landscaping treatment pursuant to the landscape code.

b) Interior landscaped area minimum dimensions of five (5) feet, designed and laid out to effectively articulate, guide, and direct the proposed flow of parking lot traffic.

c) Compatible orientation of traffic flow with the direction of angled parking.

d) Twenty (20) foot minimum backup distance for angled parking stalls at interior locations.

2. At such time that Sunset Drive is abandoned, a six (6) foot high solid masonry wall shall be required and constructed along the west property line.

3. Loading areas shall be separated from any nearby residential areas by ten (10) foot high wing walls.
4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
5. All perimeter facing facades of the office-warehouse combination shall be given architectural treatment consistent with the front of the facility to avoid an incompatible industrial appearance impact upon nearby residential development.
6. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.
7. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the office/warehouse facility.
8. No parking of any vehicles shall be permitted along the rear of the office-warehouse facility except in designated spaces or unloading areas.
9. Security lighting shall be directed away from nearby residences, and rights-of-way.
10. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
11. 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.
12. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
13. 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.
14. 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.
15. 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.
16. The property owner shall convey for the ultimate right of way of:
 - a) Lantana Road, 54 feet from centerline (approximately an additional 1 foot),
 - b) Sunset Drive, 25 feet from centerline,all within 90 days of adoption of the Resolution by the Board of County Commissioners; and conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.
17. The property owner shall construct Sunset Drive as a 2 lane section (minimum 20 foot) from the project's north property line south to the existing paved terminus concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
18. The property owner 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. The Fair Share Fee for this project presently is \$26,201.00 (978 trips X \$26.79 per trip).

19. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$6,550.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$32,751.00) to be paid prior to the issuance of a Building Permit or prior to October 1, 1986 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,550.00 shall be credited toward the increased Fair Share Fee.

20. The property owner shall revise the proposed Site Plan to allow for access onto Sunset Drive, approximately 200 feet north of Lantana road. Use of the property shall be restricted to Office/Warehouse. There shall be no commercial sales onsite.

21. 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.

22. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Sunset Drive.

23. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

24. The petitioner shall comply with prospective amendments to the Landscape Code, should those amendments be enacted prior to permit issuance for this project.

Commissioner Wilken, 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	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean Gray Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stanley H. Hogue
County Attorney