

RESOLUTION NO. R- 86-118

RESOLUTION APPROVING ZONING PETITION 85-130, 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. 85-130 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 amendments to the master plan, the 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. 85-130 the petition of WILLIAM C. CLARK, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPIENT on a parcel of land lying in Section 31, Township 43 South, Range 42 East, more particularly described as follows:

Tracts 1, 2 and 5, Block 8 of Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, LESS the West 120.82 feet of said Tracts 2 and 5 and LESS the South 292.68 feet of the East 735 feet of said Tract 1, Block 8; and LESS the South 217.68 feet of the West 585 feet of said Tract 1, Block 8; and LESS the South 217.68 feet of the East 863.18 feet of said Tract 2, Block 8, and LESS the East 863.18 feet of said Tract 5, Block 8, and excepting

the following two (2) parcels:

Parcel One

The North 70 feet of said Tracts 1 and 2, Block 8 for Belvedere Road Right-of-way.

Parcel Two

The South 25 feet of said Tracts 5 and 6, Block 8 for Right-of-way of North Fairgrounds Road.

Said property located on the south side of Belvedere Road, approximately .2 mile east of S.R. 7 (U.S. 441), being bounded on the east by 90th Avenue North and on the south by Fairgrounds Boulevard was approved as advertised subject to the following conditions:

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

- a) Maximum total floor area calculations.
- b) Corrected site data tabular calculations.
- c) Minimum sixty (60) foot cul-de-sac lot frontages.
- d) Numbering of lots in a logical numerical sequence (1,2,3,,etc.).
- e) Minimum eighty (80) foot local street widths.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measure shall also be taken to protect these preservation areas during site clearing and construction.

3. Each individual lot shall be developed pursuant to Code Section 610.D., (Property Development Regulations of the CG Zoning District). The petitioner shall present a site plan for action by Site Plan Review Committee for each individual lot or parcel prior to building permit issuance for that lot or parcel.

4. 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.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. 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.

7. 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.

8. 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.

9. The property owner shall convey for the ultimate right-of-way

necessary to provide for an 80' ultimate section for Fairgrounds Road on an alignment approved by the County Engineer within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

10. The property owner shall construct:

- a) left and right turn lanes at the project's entrances onto Belvedere Road, and Fairgrounds Road,
- b) dual left turn lanes North, South, East and West approaches at the intersection of SR 7 and Belvedere Road.

All concurrent with the 4 laning of each road as outlined in Petition 85-131.

11. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Belvedere Road and Fairgrounds Road along the property frontage and for a minimum 400 ft. distance each side of the property boundary lines along Belvedere Road and Fairgrounds Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the road drainage runoff for the ultimate Thoroughfare Plan Section and be subject to all governmental agency requirements.

12. 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. The Fair Share Fee for this project presently is \$136,629.00.

13. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Belvedere Road and Fairgrounds Road.

15. Performance Security acceptable to the County Attorney's Office required for the offsite road improvements shall be posted with the Office of the County Engineer within twelve (12) months of adoption of the resolution approving the project.

16. In order to comply with the mandatory Traffic Performance Standards this project shall be limited to the following Phase Plan:

a) The property owner shall not apply for a Building Permit until the intersection of SR7 and SR80 has been constructed (Florida DOT Project No. 93120-2523).

b) The property owner shall not apply for a Building Permit for more than 300,000 square feet until SR7 has been constructed as a 4 lane section from SR80 to Okeechobee Boulevard including the appropriate paved tapers.

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

18. No development of this site shall be undertaken by the petitioner, or his successor(s) or grantee(s), until such time as a binding letter of interpretation is obtained from the state land planning agency. Should it be determined that this and the contiguous petitions (85-129 and 85-131) are a development of regional impact, the developer shall prepare and present modification petitions to Palm Beach County, to permit the Board of County

Commissioners to effect consistency of the development order with the requirements and recommendations of the regional planning agency. No development of the site shall commence until the County has taken final action upon such modification petitions, if required.

For purposes of this condition, the definition of development shall be that set forth in Chapter 380, Florida Statutes.

19. The petitioner shall record a unity of title tying this site to the sites of Petitions 85-131 and 85-129 prior to adoption of the resolution finalizing the zoning action. Such unity of title may not be released until a binding letter is procured, determining that these petitions do not comprise a development of regional impact, or until development of regional impact review process is completed.

20. Use of this site shall be limited to office uses. No retail uses shall be permitted on this site.

21. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioners public hearings shall be submitted to the Zoning Division for inclusion in the permanent petition file.

22. Loading areas shall be separated from nearby commercial, industrial, and residential areas by ten (10) foot high wing walls.

23. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

24. All facades of the business office center shall be given architectural treatment consistent with the front of the center to avoid an incompatible appearance impact upon nearby commercial, industrial, and residential developments.

25. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

26. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the business office center.

27. No parking of any vehicles shall be permitted along the rear of the business office center except in designated spaces or unloading areas.

28. Security lighting shall be directed away from nearby residences and rights of way.

29. Landscaping shall be installed as presented on the graphics before the Planning Commission and the Board of County Commissioners.

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

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: *John B. Dunkle*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Granger
County Attorney