

RESOLUTION NO. R- 86-211

RESOLUTION APPROVING ZONING PETITION 78-274(A), 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. 78-274(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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 minor modification of the site plan, 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 2nd of December 1985, that Petition No. 78-274(A) the petition of TAHOE, INC., By Brice T. Hall, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-274, TO INCREASE THE BUILDING SQUARE FOOTAGE on the West 1/2 of Tract 69, Block 5, Palm Beach Farms Company, Plat No. 3, in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54 inclusive, together with;

PARCEL 1B:

The West 1/2 of Tract 72, all lying North of the right-of-way line of State Road 80, Block 5, Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 inclusive,

c) Twenty (20) square feet of interior landscaping shall be provided for each stall not abutting the perimeter of the site, or variance relief shall be procured from the Board of Adjustment.

2. 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.

3. Security lighting shall be directed away from nearby residences.

4. 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.

5. The property owner shall convey for the ultimate right of way of:
a) Southern Boulevard, 220 feet north of the north right of way line of the West Palm Beach Canal (approximately an additional 145 feet)
b) Wallis Road, 30 feet from centerline
all 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.

6. 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 \$5,331.00 (199 trips X \$26.79 per trip).

7. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$1,333.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$6,664.00) to be paid prior to the issuance of a Building Permit or prior to October 1, 1985 whichever shall first occur.

8. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$1,333.00 shall be credited toward the increased Fair Share Fee.

9. 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.

10. The property owner shall be restricted to one joint access with the property owner to the west.

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

16. Landscaping shall be installed as shown on the site plan in the public hearing. An exact copy of that site plan shall be submitted

Less that part of Parcels 1A and 1B as set forth in the right-of-way deed recorded in Official Record Book 3023, Page 1756, more particularly described as follows:

A parcel of land for road right-of-way purposes, lying in Tracts 69 and 72 of Block 5 of Palm Beach Farms Company, Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 inclusive, more particularly described as follows:

Commence at the intersection of the West line of said Tract 72 and the base line of survey for State Road 80, as shown on Road Book 2, Pages 11-18 (said base line being the approximate center-line of existing pavement); thence Northerly along the said West line of Tract 72, a distance of 50.05 feet to the point of beginning of the herein parcel to be described (said point being in the existing North right-of-way line of State Road 80); thence continue Northerly along said West line of said Tracts 69 and 72, a distance of 45.04 feet to a line 95 feet North of and parallel with as measured at right angles to the said base line of survey; thence Easterly along said parallel line, a distance of 330.52 feet to the East line of the West 1/2 of said Tracts 69 and 72; thence Southerly along said East line a distance of 45.04 feet to said North right-of-way line of State Road 80; thence Westerly along said right-of-way line, a distance of 330.52 feet to the Point of Beginning.

And also less:

A parcel of land for road right-of-way purposes, being the North 10 feet of the West 1/2 of Tract 69, Block 5, of Palm Beach Farms Company, Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 inclusive. Said property located on the north side of Southern Boulevard (S.R. 80) approximately .1 mile east of Skees Road in an IL-Light Industrial District was approved as advertised subject to the following conditions:

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

a) A twenty (20) foot backup distance between the property line and the first parking stall.

b) Twenty-one (21) feet for the parking bay and by-pass lane dimension, where necessary to accomodate parking.

to the Zoning Division for inclusion in the permanent file.

17. Use of the site shall be limited to dry storage.

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 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Patricia S. Weaver*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Spague
County Attorney