

RESOLUTION NO. R- 86-458

RESOLUTION APPROVING ZONING PETITION 81-96(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. 81-96(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 8th January 1986; 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. 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 8th of January 1986, that Petition No. 81-96(A) the petition of THE PALM BEACH COUNTY SOLID WASTE AUTHORITY By Herbert C. Gibson, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-96 TO DELETE THE OFFICE/WAREHOUSE COMBINATION AND TO ALLOW A PUBLIC UTILITY SERVICE INCLUDING A SOLID WASTE TRANSFER STATION on a parcel of land situated in Section 4, Township 45 South, Range 43 East, being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of the Lantana Road access road with the East line of the West 1/2 of the Northwest 1/4 of said Section 4, as shown on the right-of-way map for 1-95 Section 93220-2412, thence South 01 degree 25'30" West along said East line of the West 1/2, a distance of 956.54 feet; thence

North 88 degrees 43'18" West a distance of 400.00 feet to a line 400.00 feet West of and parallel with said East line of the West 1/2; thence North 01 degree 25'30" East a distance of 982.48 feet to the aforesaid Southerly right-of-way line of Lantana Road; thence South 85 degrees 00'35" East along said Southerly right-of-way line a distance of 400.78 feet to the Point of Beginning. Said property located approximately 150 feet south of Lantana Road (S.R. 812), approximately 650 feet east of High Ridge Road in a CG-General Commercial District was approved as advertised subject to the following conditions :

1. Prior to site plan certification, the site plan will be revised to reflect conformance to the one space per 10,000 square feet of lot area requirement or seek variance relief of this requirement from the Board of Adjustment .
2. Security lighting shall be directed away from any nearby residences.
3. The developer shall preserve existing significant vegetation along the north property line in order to effectively screen the proposed development. In addition, all significant existing landscaping shall be preserved within the open spaces areas, not disturbed by structure, parking on access road. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.
4. Additional landscaping in the form of one (1) canopy tree 12-14 feet overall height planted twenty (20) feet on center, supplemented with a continuous solid hedge 36" in overall height along the south, east and west property line. Where the preservation area along the north property line does not meet the intent of this requirement of a solid visual screen, supplemented vegetation consisting of 14 foot canopy trees planted 20 feet on center with supplemental hedge shall be installed.
5. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.
6. 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.
7. 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.
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
10. The development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

11. The property owner shall construct a right turn lane, west approach on Lantana Road at project's entrance road prior to issuance of a building permit. This construction shall include acceptable turning radius exiting the site at the project's entrance road and Lantana Road per the County Engineer's approval, as well as construction of a left turn lane, south approach on the project's entrance road at Lantana Road.

12. 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 \$14,574.00 (544 trips X \$26.79 per trip) .

13. Based on the Traffic Performance Standards (Category "B") , the Developer shall contribute an additional \$3,643.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$18,217.00) 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 \$3,643.00 shall be credited toward the increased Fair Share Fee.

14. 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.

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

16. Prior to site plan certification a landscape plan shall be submitted. This landscape plan shall:

a) graphically depict all of the preservation areas and minimum perimeter buffering requirements.

b) show that all areas disturbed by construction, including bermed areas shall be sodded. Sod shall be installed prior to Certificate of Occupancy.

c) propose landscape treatment along the foundation of all structures and berms to effectively screen and break up the expanse of facade and loading areas.

17. All existing and proposed landscape materials shall be maintained in good condition according to standard nursery practices, and replaced as necessary.

18. All areas of internal circulation within the site shall be posted with signage restricting speeds to ten miles per hour or less. In addition, signage shall be posted within the site directing all drivers to avoid excessive acceleration within the site and on the access road to Lantana Road.

19. The Solid Waste Authority shall annually notify all private waste sanitation firms and public sanitation agencies using this site that vehicles must be maintained in good condition with effective mufflers.

20. Along the entire western property line, there shall be a 6' solid masonry wall, or earth berm and solid masonry wall in combination at least 6' in height. The masonry wall shall have a stucco or finish material surface. This buffer shall be in addition to the landscape treatment required in Condition No. 4.

21. The Solid Waste Authority shall collect litter on every day of operation, on this site, the access road from Lantana Road, and the public right-of-way from Lantana Road from 1-95 to High Ridge Road.

Commissioner Spillias, moved for approval of the
petition. The motion was seconded by Commissioner Marcus, 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	--	ABSENT

The foregoing resolution was declared duly passed and adopted
this 8th day of April, 1986 confirming action of the 8th January
1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Solym
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Linda Payne
County Attorney