

RESOLUTION NO. R-88-1804

RESOLUTION APPROVING ZONING PETITION NO. 87-118
SPECIAL EXCEPTION PETITION OF THOMAS B. AND NANCY S. CUSHING

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. 87-118 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-118, the petition of THOMAS B. AND NANCY S. CUSHING, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL PARK DEVELOPMENT, on a parcel of land lying in Tract 11, Block 7, LESS the West 330.00 feet and the South 330.00 feet, PALM BEACH FARMS COMPANY PLAT NO. 3, in Section 32, Township 43 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 2, Pages 45 - 54, inclusive, located 330 feet east of Johnson Lane and approximately 330 feet north of Fairgrounds Road, in a IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to master site plan certification the plan shall be amended to indicate the following:

- a. Proposed access to each parcel via proposed Leeland Way Extension.
 - b. Appropriate site plan tabular data for each lot .
 - c. Preservation or relocation of the existing palms on site.
 - d. Deletion of the graphic and written reference of Zoning Petition No. 87-117 and Zoning Petition No. 87-119.
2. Prior to Master Plan approval, the property owner shall have access by way of a minimum 80 foot recorded right of way from Belvedere Road to this project's access road.
 3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
 4. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
 5. The property owner shall convey for the ultimate right-of-way of Leeland Way, a total of 80 feet on an alignment approved by the County Engineer within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
 6. Prior to Master Site Plan approval:
 - b) Leeland Way shall terminate in a cul-de-sac.
 7. 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 \$3,429.00 (128 trips X \$26.79 per trip).

8. Prior to the issuance of a Building Permit the property owner shall have paved access to the site from Belvedere Road and the following turn lanes shall be constructed at Belvedere Road and Leeland Way:
 - a) left turn lane, east approach;
 - b) right turn lane, north approach; and
 - c) left turn lane, south approach.
9. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
10. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
11. Since water service is available to the property, a potable water well shall not be approved for use on said property.
12. Prior to master site plan certification, the petitioner shall reconfigure the required retention areas so that the site complies with minimum property development regulations.
13. The developer shall record and submit in duplicate, simultaneously with the Site Plan Review Committee master plan application, a Unity of Title which shall be in effect until such time as a plat is recorded for the subject property.
14. No off-premise signs shall be permitted on site.

Commissioner Elmquist 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:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

