

RESOLUTION NO. R-89- 364

RESOLUTION APPROVING ZONING PETITION NO. 88-31
SPECIAL EXCEPTION PETITION OF PORTER INVESTMENT, LTD.

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. 88-31 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; 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. 88-31 the petition of PORTER INVESTMENT, LTD., for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT on a parcel of land lying in a certain parcel of land in Section 33, Township 43 South, Range 42 East, more particularly described as follows:

Beginning at the point of intersection of the West line of Tract 38, Block 6, THE PALM BEACH FARMS COMPANY PLAT NO. 3, as same is recorded in Plat Book 2, Page 46, with the Northerly right-of-way line of State Road 80 as said right-of-way is recorded in Road Plat Book 2, Pages 11 through 18, and from said POINT OF BEGINNING run Northerly, along the said West line of Tract 38, a distance of 200.00 feet; thence Easterly, along a line parallel with the said Northerly right-of-way line of State Road 80, a distance of 162.66 feet, more or less, to a point in the East line of the West 162.50 feet of said Tract 38; thence Southerly, running along the said East line of the West 162.50, a distance of 200.00 feet, more or less, to a point in the aforesaid Northerly right-of-way line of State Road 80; thence Westerly,

running along the said Northerly right-of-way line, a distance of 162.66 feet, more or less, to the POINT OF BEGINNING.

PARCEL 2:

A parcel of land in Section 33, Township 45 South, Range 42 East, bounded as follows:

On the West by the West line of Tract 38, Block 6, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, recorded in Plat Book No. 2, Page 46, on the East by a line parallel to and 162.5 feet East of the West line of said Tract 38; on the North by a line parallel to and 308.70 feet South of the North line, of said Tract 38, and on the South by a line parallel to and 200.00 feet Northerly, measured along the West line of said Tract 38, from the Northerly right-of-way line of State Road 80, as now laid out and in use;

Subject to an easement for road purposes over the East 12.5 feet thereof and to an easement for ingress and egress over the East 25.00 feet of the West 175.00 feet of said Tract 38.

PARCEL 3:

The South 100.00 feet of the North 308.70 feet of the West 162.50 feet of Tract 38, Block 6, THE PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Pages 45 to 54, inclusive.

SUBJECT TO a road easement for road purposes over the East 12.50 feet thereof and to an easement for ingress and egress over the first 25.00 feet of the West 175.00 feet of said Tract 38.

PARCEL 4:

The South 100.00 feet of the North 208.70 feet of the West 162.50 feet of Tract 38, Block 6, PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Pages 46. Subject to an easement for road purposes over the East 12.50 feet thereof and to an easement for ingress and egress over the East 25.00 feet of the West 175.00 feet of said Tract 38.

PARCEL 5:

Starting at a point on the West boundary of Tract 38, Block 6, PALM BEACH FARMS COMPANY PLAT NO. 3, starting at a point 473.00 feet North of Southwest corner surveyors stake, Tract 38, Block 6, Section 33, Township 43 South, Range 42 East; East 150.00 feet then North 100.00 feet then west 150.00 feet then South 100.00 feet. SUBJECT TO easement over the East 25 feet of the West 175.00 feet for ingress and egress road right-of-way according to survey made in May, 1957 by Brockway, Weber and Brockway, commencing at the Northwest corner of Tract 38, Block 6, PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, pages 45 to 54, thence Southerly along the Westerly line of said Tract 38, a distance of 8.52 feet to the POINT OF BEGINNING; thence continue Southerly along said Westerly line a distance of 573.00 feet to a point on the Northerly right-of-way of State Road 80; thence Easterly along said Northerly right-of-way, making an

angle with the preceding course of 93 degrees 33' 30" as turned from North to East, a distance of 162.66 feet; thence Northerly parallel to the West line of said Tract 38, a distance of 488.70 feet; thence Westerly, making an angle of 90 degrees 02' 00" with the preceding course as turned from South to West, a distance of 12.50 feet; thence Northerly making an angle with the preceding course 89 degrees 58' 00" as turned from East to North, a distance of 100.00 feet; thence Westerly parallel with the North line of said Tract 38, making an angle with the preceding course of 90 degrees 02' 00" as turned from South to West a distance of 150.00 feet to the POINT OF BEGINNING.

Subject to a 13.50 foot wide ingress and egress easement over the East 12.50 feet of the Southerly 488.70 feet thereof

Together with a 25.00 foot wide ingress and egress easement over the East 25.00 feet of the West 175.00 feet of the North 108.52 feet of said Tract 38, located on the north side of Southern Boulevard (S.R. 80), bounded on the north by Walis Street, approximately 0.8 mile east of the Florida Turnpike (Sunshine State Parkway), in a IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. One of three required alternative perimeter landscape strips along the western property line.
 - b. The location of reserved vegetation on site and specifications noting how these will be preserved.
 - c. Relocate one (1) loading berth to northern structure.
 - d. Tabular breakdown of the office space, warehouse space, and display space.
2. A Unity of Title shall be executed covering the entire site. Two (2) copies of the properly executed Unity of Title documents shall be submitted to the Zoning Division simultaneously with Site Plan Review Committee application.
3. In order to avoid an incompatible appearance upon adjacent residential areas, the western facades shall contain no openings, except as required by the Fire Rescue Department, and they shall be given architectural treatment consistent with the front of the building.
4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
5. No storage or placement of any stock materials, refuse equipment, or accumulated debris, shall be permitted in areas not designated as open storage.

6. There shall be no outdoor display of equipment.
7. No off-premise signs shall be permitted on the site.
8. 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.
9. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the existing north right-of-way line of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
11. 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 \$2,384.00 (89 trips X \$26.79 per trip).
12. The property owner shall not have access to the site from Wallis Road.
13. 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.
14. Since sewer service is available to the property, septic tank shall not be approved for use on the

property.

15. Because water service is available to the property, a well shall not be approved for potable water use.
16. The buffer located on the western property line between the 3,000 square foot dock and the northern 6,000 square foot building shall contain a vegetative buffer consisting of native canopy vegetation, and a solid six (6) foot high coco plum hedge, or other native vegetation, shall be planted to supplement existing native vegetation.
17. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Adams and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Lubat
COUNTY ATTORNEY

BY: JUNE J. Hardy
DEPUTY CLERK