

RESOLUTION NO. R-89- 1240

RESOLUTION APPROVING ZONING PETITION NO. 88-31(A)
MODIFICATION OF COMMISSION REQUIREMENTS
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(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989; 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 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(A), the petition of PORTER INVESTMENT, LTD., by Dennis Potiris, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land located in Section 33, Township 43 South, Range 42 East commencing at the Northwest corner of Tract 38, Block 6, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45-54; 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 No. 80; thence Easterly along said Northerly Right-of-way, making an angle with the preceding course of 92 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 480.17 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 of 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 an easement for road purposes over the East 12.50 feet of the South 480.17 feet thereof; and to an ingress and egress easement over the East 25 feet of the West 175 feet of said Tract 38. being located on the north side of Southern Boulevard (SR 80) and bounded on the north by Wallis Street, approximately .8 mile east of Florida's Turnpike (Sunshine State Parkway), in an IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Conditions 1.a., 1.b., 1.c., and 1.d. of Petition 88-31 (Approved on March 24, 1988) which currently states:
 - "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 spaces, warehouse space, and display space."

is hereby deleted.

3. Condition No. 2 of Zoning Petition No. 88-31 (Approved on March 24, 1988) which currently states:
 - "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."

Is hereby deleted.

4. The petitioner shall comply with all Zoning Code requirements in effect at the time when the right-of-way reservation for Southern Boulevard is conveyed. If necessary the petitioner shall be required to reduce building area to meet minimum parking requirements, landscaping, setbacks, etc.
5. Condition No. 10 of Petition No. 88-31 which presently states:

"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 conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer."

is hereby amended to read:

"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, 120 feet north of the north right-of-way line of the West Palm Beach Canal free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. In addition, the property owner agrees to reserve an additional 100 feet of right-of-way (total 220 feet). Terms of this future agreement shall be executed by the property owner and Palm Beach County prior to site plan certification in the form of an agreement entitled "Restrictive Covenants for Southern Boulevard Right-of-Way". Said agreement shall be subject to approval by the County Attorney's Office."

6. Condition No. 11 of Petition No. 88-31 which presently states:

"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)."

is hereby amended to read:

"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 \$5,519.00 (206 trips X \$26.79 per trip)."

7. In addition the Developer shall contribute the amount of \$689.00 as established in Article V Section 3

(Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$6,200.00 shall be paid prior to the issuance of the first Building Permit.

8. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$689.00 shall be credited toward the increased Fair Share Fee.
9. The petitioner shall submit a tree survey, clearly locating and detailing specific trees to be preserved and/or relocated, to the Zoning Division prior to the issuance of a building permit.
10. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
11. Prior to site plan certification, the petitioner shall revise the "Restrictive Covenant for Southern Boulevard Right-of-Way" to stipulate that the County shall bear no financial responsibility for the removal of nonconforming structures.
12. 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.

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

Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

APPROVED AS TO **FORM**
AND **LEGAL SUFFICIENCY**

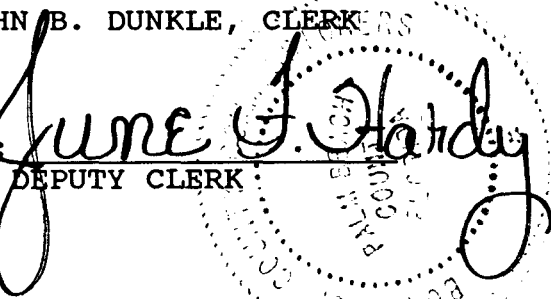
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

