

RESOLUTION NO. **R-89-1311**

RESOLUTION APPROVING ZONING PETITION NO. 85-134(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF TECHNOLOGY PARK ASSOCIATES, 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 have been satisfied; and

WHEREAS, Petition No. 85-134(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 30, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 85-134(B), the petition of TECHNOLOGY PARK ASSOCIATES, LTD., for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in Tract 2, Block 4, less the West 8.00 feet thereof and also less the North 300.00 feet of the West 660.02 feet thereof, Palm Beach Farms, Plat No. 3, in Plat Book 2, Pages 45 to 54, inclusive, being located on the south side of Dwight Road and on the east side of Skees Road, approximately .3 mile south of Okeechobee Boulevard (SR 704), in an IL-Light Industrial Zoning District, was approved on March 30, 1989, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

2. Condition **No. 20** which states:

"20. The significant native vegetation within the ten (10) foot natural buffer along the southern property line shall be preserved and existing vegetation shall be supplemented with additional planting of one (1) tree every 20 feet,"

is hereby deleted.

3. Condition **No. 21** which states:

"21. A six foot high wall, as shown on the master plan, shall be constructed along the southern portion of the property."

is hereby amended to read:

All native vegetation within the ten (10) foot buffer strip shall be preserved. In addition, the natural buffer shall be supplemented with Perimeter Landscape Strip Alternative **No. 3** along the entire length of Parcel **B** the southern property line. This landscape strip shall be planted with trees twelve (12) feet in height or greater, spaced twenty (20) feet on center to supplement preserved native vegetation; and:

- a. the portion of this landscape strip that abuts RS-Single Family Residential Zoning shall contain a six (6) foot high solid wooden fence. The fence shall commence at Skees Road and run a minimum distance of 1,163.87 feet east. The fence shall be continuously maintained in a neat, orderly and opaque condition.
  - b. the portion of this landscape strip that abuts AR-Agricultural Residential Zoning shall be planted with hedge materials a minimum of thirty (30) inches in height, spaced two (2) feet on center. The hedge shall be maintained in a healthy opaque condition at a minimum height of six (6) feet.
4. 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.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

7. Condition No. 2 of Zoning Petition No. 85-134 (A) presently states:

"2. Property owner shall construct:

- a. left turn land, east approach on Dwight Road at Skees Road; and,
- b. left turn lane, north approach on Skees Road at Dwight Road; and,
- c. Dwight Road to extend to future Jog Road Extension as an eighty (80) foot collector road."

is hereby amended to read as follows:

"The Property owner shall construct:

- a. a left turn land, east approach on Dwight Road at Skees Road; and,
- b. left turn land, north approach on Skees Road at Dwight Road

concurrent with onsite paving and drainage improvements for Parcel B. Construction shall be completed prior to the issuance of a Certificate of Occupancy for Parcel B."

8. Condition No. 10 of Zoning Petition No. 85-134, Resolution No. R-86-122, which presently states:

"10. The Property owner shall pay 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. Presently the Fair Share Fee for this project is \$42,194 (1,575 trips X \$26.79 per trip)."

is hereby amended to read as follows:

"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 \$42,194.00 (1,575 trips X \$26.79 per trip).

In addition the Developer shall contribute the amount of \$21,097.00 toward roadway improvements in the project area. These total funds of \$62,291.00 shall be paid prior to the issuance of the first Certificate of

Occupancy or prior to June 1, 1990 whichever shall first occur. Should the applicant seek building permits prior to June 1, 1990, the applicant shall contribute the additional \$21,097 plus the standard impact fee based upon the applicant's building square footage. No Certificates of Occupancy shall be released until all \$62,291 has been paid in accordance with the paragraph above.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$21,097 shall be credited towards the increased Fair Share Fee."

9. Condition No. 11 of Zoning Petition No. 85-134, Resolution No. R-86-122 which presently states:

"11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$21,097.00 toward Palm Beach County's existing Roadway Improvement Program, which shall be paid prior to the issuance of a Building Permit or before October 1, 1986, whichever shall first occur.

In lieu of this contribution, the developer may elect to construct Jog Road as a 2-lane section as per County Engineering requirement!; from Okeechobee Road to the project's entrance. If the developer elects this option, he must notify the County by May 1, 1986. The County will then acquire the necessary right-of-way by April 1, 1987. The developer shall let the contract within 90 days of the County acquiring all the required right-of-way. If the County has not acquired all of the right-of-way by April 1, 1987, the developer may either wait for the County to acquire the right-of-way or contribute the \$21,097.00 requested in the first paragraph of this condition, such payment relieving the developer of any further obligation pursuant to this condition.

Credit for this construction shall be given toward the Fair Share Fee described in Condition 1).

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$21,097.00, required in the first paragraph of this condition, or the actual cost of construction incurred pursuant to the second paragraph of this condition shall be credited toward the increased Fair Share Fee."

is hereby deleted.

10. The property owner shall construct/reconstruct Dwight Road as a 2 lane road (collector street standard from this project's west property line west to Jog Road subject to approval by the County Engineer, This construction shall be completed concurrent with paving and drainage improvements for Parcel B and shall be completed prior to the issuance of a Certificate of Occupancy.
11. Failure to comply with any conditions of approval 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 Marcus moved for adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

