

RESOLUTION NO. R-90-350

RESOLUTION APPROVING ZONING PETITION NO. 89-96
SPECIAL EXCEPTION PETITION OF K.E.I. PALM BEACH CENTRE, LTD.
AND KNIGHT ENTERPRISES, INC.

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. 89-96 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 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 Plan 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. 89-96, the petition of K.E.I. PALM BEACH CENTRE, LTD. AND KNIGHT ENTERPRISES, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT GOVERNMENTAL SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (PALM BEACH COUNTY SCHOOL BOARD WAREHOUSE AND DISTRIBUTION CENTER), on a parcel lying in Section 5, Township 44 South, Range 43 East, described as follows: Beginning at the Southwest corner of Lot 28A of "Morrison Homes" in Plat Book 23, Page 189, 190; thence North 03 Degrees 26' 12" East along the West line of said Lot 28A, a distance of 100.01 feet; thence South 87 Degrees 33' 00" East, long the North line of said Lot 28A, a distance of 153.75 feet; thence North 03 Degrees 26' 12" East along the West line of Government Lot 3 of said Section 5, a distance of 598.21 feet to a point on the Southwest corner of a parcel described in Official Record Book 1872 at page 618; thence South 87 Degrees 33' 00" East along the South boundary line of said parcel for 138.00 feet; thence South 03 Degrees 26' 12" West along the westerly boundary line of a parcel of land described in Official Records Book 1891 at Page 12 for 10.00 feet; thence South 87 Degrees 33' 00" East along the Southerly boundary line of said parcel for 200.31 feet; thence North 03 Degrees 31' 45" East along the Easterly boundary line of said parcel for 139.18

feet to a point on the southerly right-of-way line of the West Palm Beach Canal (said point being on the arc of a curve with a radial line thru said point bearing North 24 Degrees 08' 51" East); thence Southeasterly along the arc of said curve to the right having a radius of 2764.91 feet and a central angle of 07 Degrees 42' 52" for an arc distance of 372.27 feet to a point on the West line of the East 1/2 of said Government Lot 3 (said line also known as the West boundary line of "Oak Ridge", an unrecorded subdivision; thence South 03 Degrees 37' 18" West along said line for 846.98 feet to a point on the northerly line of the right-of-way described in Deed Book 931 at Pages 19 and 21; thence North 87 Degrees 33' 00" West along said North line, a distance of 337.35 feet to a point of intersection with the Northerly projection of the East line of Lot 14, "Morrison Suburban Development", Plat Book 20 Page 40 thence South 03 Degrees 26' 12" West along said projection line and the East line thereof, a distance of 223.88 feet; thence North 87 Degrees 33' 00" West along the South line of the North 1/2 of said Lot 14 and the Westerly projection thereof, a distance of 336.81 feet to a point of intersection with the East line of Lot 79 of "Morrison Homes"; thence South 03 Degrees 26' 12" West along said East line, a distance of 21.46 feet to the Southeast corner thereof; thence North 87 Degrees 33' 00" West along the South line of said Lot 79, a distance of 100.00 feet; thence North 02 Degrees 27' 00" East, a distance of 179.30 feet to the Northwest corner of said Lot 79; thence North 87 Degrees 33' 00" West along the North line of Lot 80 of said "Morrison Homes", a distance of 50.66 feet to a point of intersection with the Southerly projection of the West line of Lots 77 and 78 of said "Morrison Homes"; thence North 03 Degrees 26' 12" East along said projection line and the West line thereof, a distance of 246.03 feet to the Point of Beginning, and being located on the southeast and northeast sides of the intersection of Gun Club and Farmdale Road and bounded on the north by the Palm Beach Canal in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee Submittal, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
2. The petitioner shall:
 - a. Preserve all native vegetation void of prohibited vegetation within the open spaces along the perimeter of the site as indicated on Exhibit No. 19;
 - b. Preserve all native vegetation where possible and relocate to the perimeter of the site all sabal palms and pines that are two (2) to six (6) inches diameter at breast height; and,
 - c. Provide Alternative Perimeter Landscape Strip No. 3 along property lines abutting existing Residential Zoned property. The landscape strip shall include a hedge/berm combination.
3. The site shall be limited to 256,600 square feet of building area.

4. No outdoor storage of materials debris or refuse shall be permitted on site.
5. Vehicles and loading trucks shall be parked in designated spaces only. No parking in landscaped areas or rights-of-way.
6. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.
7. Prior to any vegetation removal, the petitioner shall arrange a preclearing inspection by the Zoning Division.
8. No outdoor loudspeaker system shall be permitted on site.
9. No off-premise signs shall be permitted on site.
10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
14. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
15. The property owner shall convey for the ultimate right-of-way of:
 - a. Gun Road extension, a total of eighty (80) feet which may taper to sixty (60) feet on an alignment approved by the County Engineer

including additional right-of-way for a cul-de-sac at the Gun Club Road termination; and,

- b. East Grace Drive, forty (40) feet from centerline
16. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Gun Club Road and East Grace Drive along the property frontage and for a maximum four-hundred (400) foot distance each side of the property boundary lines along Gun Club Road and East Grace Drive, as determined by the County Engineer. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
 17. The Property owner shall construct concurrent with the construction of Phase 1:
 - a. Gun Club Road Extension from Congress Avenue East to the project's East property line as a two (2) lane section minimum two (2) twelve (12) foot travel lanes including drainage on an alignment approved by the County Engineer; and,
 - b. East Grace realignment (minimum two (2), ten (10) foot travel lanes).
 18. Prior to issuance of a Certificate of Occupancy the following turn lanes shall be constructed at Congress Avenue and the newly aligned Gun Club Road:
 - a. left turn lane, north approach;
 - b. left turn lane, south approach;
 - c. left turn lane, east approach;
 - d. left turn lane, west approach;
 - e. right turn lane, east approach;
 - f. right turn lane, north approach; and,
 - g. right turn lane, west approach.
 19. Prior to Site Plan Certification, petitioner shall provide an aviation easement covering the entire property which is satisfactory to the Department of Airports and the County Attorney.
 20. Petitioner shall abandon all public rights-of-way within the subject site prior to site plan approval.
 21. Prior to Site Plan certification, petitioner shall submit evidence of conceptual approval of the project's surface water management system by South

Florida Water Management District and the County Engineer.

- 22. Simultaneously with submittal to Site Plan Review the petitioner shall submit an executed and recorded unity of title (two copies) for the subject site, subject to approval by the County Attorney.
- 23. There shall be no truck traffic including construction traffic on Florida Mango Road to access this facility.
- 24. Temporary barricades (Class H Barricades or more permanent barricades as needed and determined by the County Engineer) shall be placed at the Gun Club Road and Farmdale termination prior to the issuance of a building permit. The construction of permanent cul-de-sacs and permanent barricades as determined by County Engineer shall be completed prior to the issuance of a Certificate of Occupancy.
- 25. 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 approval of the Resolution.

The motion was seconded by Commissioner Roberts 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	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Bushro Atter*
COUNTY ATTORNEY

BY: *Jane J. Williams*
DEPUTY CLERK

