

RESOLUTION NO. R-92- 184

RESOLUTION APPROVING ZONING PETITION NO. 85-47(A)
REZONING PETITION OF CLEARY ASSOCIATES, 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. 85-47(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 24, 1991; 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 the 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, Chapter 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. 85-47(A), the petition of CLEARY ASSOCIATES, INC., BY ROBERT E. BASEHART, AGENT, for a REZONING FROM CG TO IL on a parcel of land situated in all of Tract 37, Block 6, PALM BEACH FARMS COMPANY, Plat No. 3, in Plat Book 2, Pages 45 to 54 inclusive; BEGINNING at a point in the east line of said tract 37, said point being 250 feet northerly from (as measured along said east line of said Tract 37) the southeast corner of said Tract 37 and running thence westerly, a distance of 630.25 feet, more or less, to a point in the east line of the west 360.00 feet of said Tract 37, said point being 250.00 feet northerly from (as measured to right angles to) the north right-of-way line of State Road No. 80 as said right-of-way is shown in Road Plat book 2, Page 15, and being located in Section 33, Township 43 South, Range 42 East, and being located ON THE SW CORNER OF THE INTERSECTION OF CLEARY RD. AND WALLIS RD. , BOUND ON THE W BY 70TH DR. N., was approved on October 24, 1991, as advertised, subject to the following voluntary commitments:

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department

staff are willing to provide guidance on appropriate protective measures.

B. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

C. LANDSCAPING

1. Landscaping along the west property line shall be upgraded to include:
 - a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center;
 - b. Thirty-six (36) inch tall native hedge or shrub material planted twenty-four (24) inches on center.

As an alternative, the petitioner may amend the site plan to indicate a preserve area in this location, subject to approval by the Zoning Division.

D. SITE SPECIFIC

1. The petitioner shall apply to the Board of Adjustment to request variance relief to allow the width of the landscape strip along Cleary Road to be reduced to less than the minimum required 10 feet.
2. No access is permitted to the site from 70th Drive North.

E. ENGINEERING

1. Prior to January 1, 1992, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Wallis Road, 30 feet from centerline.
 - b. Cleary Road, 40 feet from centerline.
 - c. A safe sight corner at the intersection of Wallis Road and Cleary Road.

Developer 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.

commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 4th day of February, 1992.

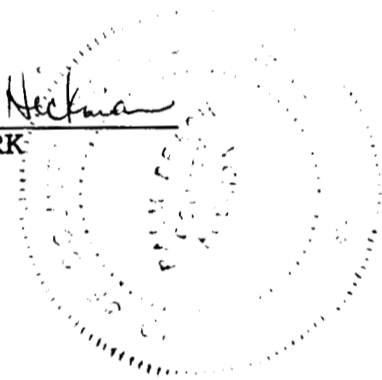
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

Milton T. Bauer, Clerk

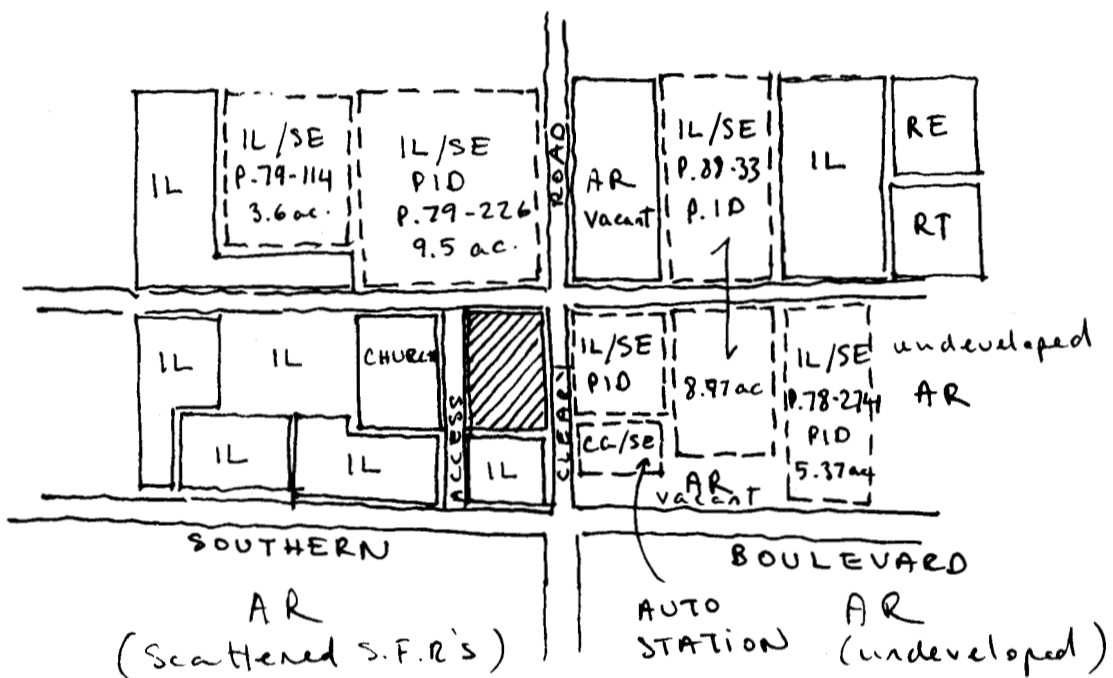
BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



Sec. 33 Twp. 43 Rng. 42
 Quadrant Sheet: 46
 Aerial Page: 172

Vicinity
 Sketch



Request:

AREZONING from the CG-General Commercial Zoning District to the IL-Light Industrial Zoning District. If approved, this will extinguish a special exception for a previously approved office warehouse.

PETITION NO: 85-47 A

BCC DISTRICT: 6