

RESOLUTION NO. R- 85-719

RESOLUTION APPROVING ZONING PETITION 85-17, Special Exception

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. 85-17 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 1985; 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of February 1985, that Petition No. 85-17 the petition of EDWARD ROBY, TRUSTEE for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on the North 83 feet of the South 113 feet of the East 336.2 feet of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East. Said property located on the north side of Gardenia Street, approximately .3 mile east of Military Trail (S.R. 809) and approximately 150 feet west of Indian Road was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect significant specimens and preservation areas during site clearing and construction.

2. Prior to site plan certification the site plan shall be amended to reflect canopy trees eight (8') to ten feet (10') overall in height twenty feet (20') on center along the north property line.

3. On-site artificial illuminating devices shall be directed away from abutting properties and rights-of-way.

4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) ,year-one-hour storm per requirements of the Permit Section, Land Development Division.

7. The developer shall construct Gardenia Street from the western property line of this site to Indian Raod concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. This construction shall also include drainage and shall be subject to approval by the County Engineer.

8. 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. Presently The Fair Share Fee for this project is \$2,950.00.

9. The property owner shall convey a 20' access easement to the properties to the rear prior to Site Plan Certification per the County Engineer's Approval.

10. The use of this site shall be restricted to vehicular parking.

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

Ken Adams, Chairman	---	ABSENT
Karen T. Marcus, Vice Chairman	---	AYE
Kenneth Spillias, Member	---	AYE
Jerry L. Owens, Member	---	ABSENT
Dorothy Wilken, Member	---	AYE

The foregoing resolution was declared duly passed and adopted this ~~day~~ **MAY of 7 1985** confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weava
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney