

RESOLUTION NO. R-85-1095

RESOLUTION APPROVING ZONING PETITION 85-55, 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. 85-55 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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 23rd of May 1985, that Petition No. 85-55 the petition of PALMS WEST INDUSTRIAL PARK CORPORATION By Douglas Dottor, President for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on the West 1/2 of Tracts 3 and 10, Block 7, Palm Beach Farms Company Plat No. 3, Section 32, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45-54 inclusive, Less, however the North 70 feet thereof. Said property located on the south side of Belvedere Road, approximately .1 mile east of Rubin Road was approved as advertised subject to the following conditions:

1. A revised site plan shall be submitted locating each bay, clear access into each bay and a revised parking arrangement to accommodate the latter.
2. 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.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
5. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
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 a left turn lane, east approach on Belvedere Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, per the County Engineer's approval.
8. The Petitioner shall provide Palm Beach County with a road drainage easement with sufficient capacity for retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Belvedere Road. This drainage easement shall be subject to all governmental agency requirements.
9. 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 would presently be **\$14,976.00.**
10. The present property owner shall record a twenty (20) foot maintenance easement around the existing lake prior to final action by the Board of County Commissioners.
11. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.
12. The developer shall comply with all provisions of the Zoning Code Section 500.3 including, but not limited to, the requirement that the slope of the submerged land shall be no greater than 5:1 to a depth of six (6) feet below the maintained water level. Proof of compliance with Section 500.3 shall be submitted prior to issuance of a certificate of occupancy.
13. The property owner shall participate in any street improvement program for 85th Avenue north of the existing 30 foot right-of-way on the south side of the subject property.

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

The foregoing resolution was declared duly passed and adopted

this 23rd day of July

confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney