

RESOLUTION NO. R- 86-461

RESOLUTION APPROVING ZONING PETITION 82-114(A), Modification

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. 82-114(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th December 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, FLOKIDA, assembled in regular session this the 30th of December 1985, that Petition No. 82-114(A) the petition of MARLIN INDUSTKIAL PARK SOUTH, LIMITED, AND HARPENAU INVESTMENTS, INC., By David L. Carpenter, Agent, to MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 82-114, APPROVED NOVEMBER 24, 1982:

CONDITION NO. 2 STATES:

2. The Developer shall construct to County Engineer's specifications a right-turn lane, south approach on Boutwell Road at 10th Avenue North. Plans for this improvement shall be included in the application for the project's paving and drainage permit and shall be completed prior to the issuance of a Certificate of Occupancy.

REQUEST: TO DELETE CONDITION NO. 2

CONDITION NO. 3 STATES:

3. The Developer shall construct to County Engineer's specifications, Fourth Avenue North from Boutwell Road, west to the subject property's west property line. Plans for this improvement shall be included in the application for the project's paving and drainage permit and shall be completed prior to the issuance of any Certificate of Occupancy.

REQUEST: TO MODIFY CONDITION NO. 3 TO READ:

3. The Developer shall construct to County Engineer's specifications, Seventh Avenue North from Boutwell Road, west to the subject property's west property line. Plans for this improvement shall be included in the application for the project's paving and drainage permit and shall be completed prior to the issuance of any Certificate of Occupancy.

Said property located on the north side of 4th Avenue North, approximately 0.1 mile west of Boutwell Road in an IL- Light Industrial District was approved as advertised subject to the following conditions:

1. Condition No. 2 which states:

"2. The developer shall construct, to County Engineer's specifications a right-turn lane, south approach on Boutwell Road at 10th Avenue North. Plans for this improvement shall be included in the application for the project's paving and drainage permit and shall be completed prior to the issuance of a Certificate of Occupancy."

is hereby deleted.

2. Condition No. 3 which states:

"3. The Developer shall construct to County Engineer's specifications, Fourth Avenue North from Boutwell Road, west to the subject property's west property line. Plans for this improvement shall be included in the application for the project's paving and drainage permit and shall be completed prior to the issuance of any Certificate of Occupancy."

Is hereby amended to state:

"3. The Developer shall construct to County Engineer's specifications (collector street standards - 2-12 foot travel lanes including appropriate drainage) 7th Avenue North from Boutwell Road west to the subject's west property line. Plans for this improvement shall be included in the application for the projects paving and drainage permit and shall be incorporated in any plat approval. The subject plat shall include a limited access easement along 7th Avenue North and 4th Avenue North.

Should the petitioner desire access onto 4th Avenue North, paved access from Boutwell Road shall be provided per the County Engineer's approval. Construction plans shall include provision of a physical barrier to prevent vehicular access onto 4th Avenue North."

3. Condition No. 8 which presently states:

"8. The Developer shall contribute the sum of \$62.00 per 1,000 sq. ft. of building area for warehouse use and \$75.00 per 1,000 sy. ft. of building area for general industrial use toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit."

Is hereby amended to state:

"8. 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 would presently be \$161 per 1,000 square feet for general industrial."

4. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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

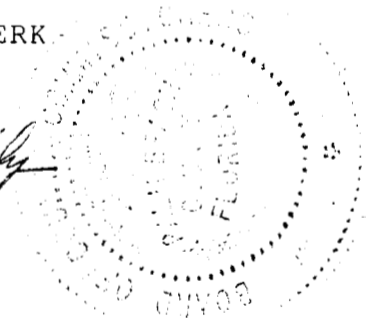
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 8th day of April, 1986 confirming action of the 30th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Frank J. [Signature]
County Attorney