

RESOLUTION NO. R-86-1357

RESOLUTION APPROVING ZONING PETITION **82-182(A)**, 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. **82-182(A)** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22 May 1986; 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. With revisions to the site plan, 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 22 May 1986, that the petition of KEJAN-FLORIDA CORPORATION By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO DELETE A TRANSPORTATION MULTI-MODE TERMINAL, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-182 AND TO AMEND AND EXPAND THE SITE PLAN TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT AND TO INCREASE THE LAND AREA BY 10.51 ACRES on Tract 2, Block 7, Less the North 70.0 feet thereof, The Palm Beach Farms Company Plat No. **3**, in Section 32, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45 thru 54. Said property located on the south side of Belvedere Road, approximately .2 mile west of Benoist Farms Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) indicate the fifteen (15) foot perimeter landscape buffer easement.

b) indicate the area within the perimeter buffer as acreage to be excluded from the minimum tree requirement calculation.

2. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) The required number of trees to be preserved or planted. If trees are to be preserved, the site plan shall be accompanied by a tree survey indicating said trees.

3. Individual sites within the Planned Industrial Park shall be subject to approval of the Site Plan Review Committee.

4. Petitioner shall provide a limited access easement along Belvedere Road.

5. Areas of existing vegetation, particularly within the perimeter buffer, to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas throughout the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

6. 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.

7. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.

a. The development shall retain oneite **85% of** the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.

9. The property owner shall convey **for** the ultimate right-of-way of Johnson Lane, 30 feet from centerline or provide alternate right-of-way as approved by County Engineer within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

10. The property owner shall construct left turn lane, east approach and a right turn lane, **west** approach on Belvedere Road at the project's entrance road concurrent with onsite paving and drainage improvements.

11. The property owner shall convey for the ultimate right-of-way of Belvedere Road, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.

12. There shall be no retail or consumer service uses permitted in the proposed office-warehouse combination.

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

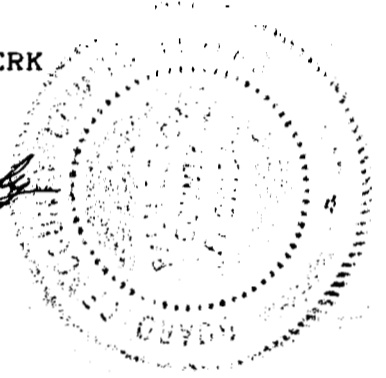
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of September, 1986 confirming action of the 22 May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polyz
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Imager
County Attorney