

RESOLUTION NO. R-87-1092

RESOLUTION IMPROVING ZONING PETITION 76-135(A): Special Exception  
with a concurrent Modification of Commission Requirements

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 76-135(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 26, 1987 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Petition No. 76-135(A), the petition of DELE W. REXNER, INC., By David Flinchum, Agent, for a SPECIFIC EXCEPTION TO REVISION THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-135, TO ALLOW FOR A REDESIGN OF THE SITE AND A MODIFICATION OF COMMISSION REQUIREMENTS TO DELETE THE FOLLOWING

CONDITION PLRCEED ON ZONING PETITION NO. 76-135, QPPROVED DECEMBER 2, 1979:

CONDITION NO. 1 WHICH PRESENTLY STRTES:

"1. Developer shall construct Qnnette Street, to County Standards, from the development's West property line to Military Trail (S.R. 809)."

REQUEST: TO DELETE CONDITION NO. 1

On a parcel of land situate in Section 24, Township 43 South, Range 42 East, more particularly described as follows: The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East, lying North of the F.E.C. Railway Company Right-of-way. The property is located on the northeast corner of the intersection of Industrial Drive and Hall Qvenue, approximately .1 miles east of Military Trail (S.R. 809) in an IL-Light Industrial Zoning District was approved as advertised subject to the following conditions:

A. Modifications to conditions placed upon Zoning Petition No. 76-135:

1. Petitioner shall comply with all conditions of previous approvals unless expressly modified herein.

2. Condition No. 1 of Zoning Petition No, 76-135 which states:

"1. Developer shall construct Qnnette Street, to County Standards, from the development's West property line to Military Trail (S.R. 809)"

is hereby deleted.

3. Condition No. 2 of Zoning Petition No. 76-135 which states:

"2. Developer shall install ninety (90) percent opaque landscape screening around the property."

is hereby deleted.

4. Condition No. 4 of Zoning Petition No. 76-135 which presently states :

"4. There shall be no septic tank permits, temporary or otherwise, issued for the property. No building permits will be issued unless they are approved for connection to a public utility system."

is hereby deleted.

B. Conditions to be placed upon Zoning Petition No. 76-135(A):

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

- a. required number of trees.
- b. required trees along the perimeters.
- c. required number of handicap parking spaces.
- d. dimensions of parking stalls, aisle widths, buildings, and the access point.

2. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system and water supply system. Since sewer and water service is available to the property, septic tank and well shall not be approved for use on said property.

3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this 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. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be reviewed by the Code Enforcement Board for enforcement.

4. The property owner shall construct a left turn lane, west approach on Industrial Way at the project's entrance road concurrent with onsite paving and drainage improvements.

5. 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 presently is \$7,876.00 (294 trips X \$26.79 per trip).

6. The property owner shall grant to Palm Beach County a fifteen (15) foot drainage easement on the east side and a twenty-five (25) foot drainage easement on the

west side of the subject property prior to certification of the master plan.

7. Prior to Site Plan Certification the petitioner shall:
  - a) Petitioner shall submit a copy of an executed drainage Easement Deed for forty-five (45) feet along the north property line to the North Palm Beach Water Control District (NPBWCD). Provided the canal is relocated, a thirty-one (31) foot easement will be accepted subject to approval by the NPBWCD and the County Engineer. No obstructions or plantings are to be placed within this forty-five (45) foot easement.
  - b) Rply for and obtain a District permit from the NPBWCD prior to any on site development work or building permit.
  - c) Record a Unity of Title on the subject property.
8. Developer shall provide additional landscaping along the southern property line in the form of:
  - a) A single row of ten to twelve (10-12) foot high mahogany trees planted twenty (20) foot on center.
  - b) A thirty-six (36) inch high hedge of native plant material planted twenty-four (24) inches on center.
  - c) Spaces between structures shall be screened with native plant material a minimum of eight (8) feet in height.
9. Petitioner shall relocate the project's main access point to the west to a point as far away from adjacent residential development as possible to the satisfaction of the County Engineer.
10. No retail uses shall be permitted on site.

Commissioner Marcus, moved for approval of the petition.

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

Carol Roberts                    -- Rye  
Karen T. Marcus                -- aye  
Dorothy Wilken                -- absent  
Kenneth M. Adams              -- aye

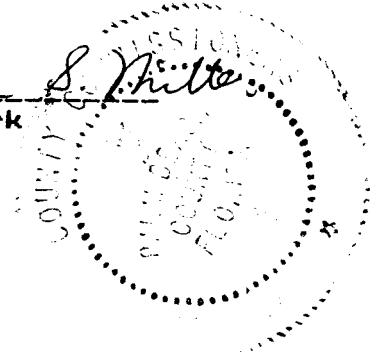
The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of February 26, 1987.

PFILM BEFICH COUNTY, FLORIDA

BY ITS BOFIRD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Hill  
Deputy Clerk



APPROVED AS TO FORM  
FIND LEGFIL SUFFICIENCY

  
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County Attorney