

RESOLUTION NO. R-89- 352

RESOLUTION APPROVING ZONING PETITION NO. 85-26(B)
SPECIAL EXCEPTION AND MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF WALKER S. POWERS

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. 85-26(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-26(B), the petition of WALKER S. POWERS, Fran Carlton, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED INDUSTRIAL PARK DEVELOPMENT TO INCREASE THE BUILDING SQUARE FOOTAGE, WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying in Tracts 23 and 26, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 46. Subject to an easement for Drainage purposes over the West 25.00 feet of said Tract 26. Recorded in Official Record Book 2676, Page 1575, and an easement for Drainage purposes over the North 50.00 feet of said Tract 26, Recorded in Official Record Book 4423, Page 1949. SUBJECT TO THE FOLLOWING EASEMENT FOR ROAD PURPOSES:

Commencing at the Southwest corner of Tract 26, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, Page 46; thence Easterly along the South line of said Tract 26, a distance of 445.03 feet to the Point of Beginning, Thence

continue Easterly along the south line of said Tract 26, a distance of 100.00 feet; thence Northerly at right angles, a distance 20.00 feet; thence westerly parallel with the South line of said Tract 26 a distance of 100.00 feet; thence Southerly at right angles a distance of 20.00 feet to the Point of Beginning, located on the north side of Kelley Drive, approximately .1 mile west of Benoist Farms Road, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previously imposed conditions unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Ultimate right-of-way for the east-west canal on site.
 - b. Required number of trees pursuant to Section 500.35.G.7.
 - c. Required perimeter landscape strips along all property lines which abut incompatible zoning districts.
3. The petitioner shall remove all prohibited species from the subject parcel prior to the issuance of a Certificate of Occupancy for the proposed 2,592 square foot addition.
4. No off premise signs shall be allowed on the site.
5. Condition No. 8 of Zoning Petition No. 85-26 which states:

"8. The use of the site shall be limited to storage of vehicles and ancillary wholesaling of vehicles."

is hereby amended to read:

"8. Use of the site shall be limited to the storage of vehicles and ancillary appraisal and wholesaling of vehicles."
6. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
7. 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 presently is \$3,483.00 (130 trips X \$26.79 per trip).

8. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
9. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Adams 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:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

