

RESOLUTION NO. R-89- 361

RESOLUTION APPROVING ZONING PETITION NO. 88-26
SPECIAL EXCEPTION PETITION OF BUDDIE HOOPER

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. 88-26 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. 88-26 the petition of BUDDIE HOOPER, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT on a parcel of land lying in the West 330.00 feet of Tract 11, Block 7 PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45-54, as in Section 32, Township 43 South, Range 42 East. Together with perpetual easement rights over the East 25.00 feet of Tracts 10 and 3, adjoining said Tract 11, for the purpose of ingress and egress, located on the northeast corner of the intersection of Johnson Lane and Fairgrounds Road North (Seventh Place North), in a IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. A limited access easement along the western property line abutting Johnson Lane and the

- southern property line abutting Fairgrounds Road.
- b. Required minimum frontage dimensions on all lots.
 - c. Addition of the word "minimum" to the tabular data reference which states "trees required"
 - d. North to south drainage easement which will serve the .84 acre water management tract.
 - e. Preservation or relocation of the existing cabbage palms on site.
 - f. No signs encroaching either the required five (5) foot setback or landscape strip.
2. Prior to site plan certification, the petitioner shall delete from the site plan the reference to a "retention area" which is located off-site to the east within the area identified as "not included IL-Light Industrial Zoning District, Special Exception, approved November 30, 1987".
 3. Prior to site plan certification, the petitioner shall delete from Exhibit No. 20 "Parcel layouts are conceptual and for information only".
 4. The developer shall record and submit, in duplicate, concurrent with the application for Site Plan Review Committee, a Unity of Title which shall be in effect until such time as a plat is recorded for the subject parcel.
 5. Prior to the issuance of the first Certificate of Occupancy for the project, the developer shall remove the structure which is located within the right-of-way of Fairgrounds Road (Seventh Place North).
 6. Prior to site plan certification, the property owner shall submit documentation substantiating access by way of a minimum 80 foot recorded right-of-way from Belvedere Road to this project's right-of-way.
 7. 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by 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 referred to the Code Enforcement Board for enforcement.
 8. If required by the County Engineer or the South Florida

Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

9. The property owner shall convey for the ultimate right-of-way of Leeland Way, a total of 80 feet on an alignment approved by the County Engineer within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur, including "Safe Sight Corners".
10. 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 \$3,429.00 (128 trips X \$26.79 per trip).
11. Prior to the issuance of a Building Permit the property owner shall have paved access to the site from Belvedere Road and the following turn lanes shall be constructed at Belvedere Road and Leeland Way:
 - a) left turn lane, east approach;
 - b) right turn lane, west approach; and
 - c) left turn lane, south approach.
12. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No more than 31,900 square feet of gross leasable floor area shall be issued for the entire planned industrial development.
13. 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.
14. The property owner shall revise the master plan to reflect either:
 - a. Abandonment of Fairgrounds Road or,
 - b. Reservation of an additional fifteen (15) feet of right-of-way for Fairgrounds Road which shall be

dedicated to the public within one (1) year of special exception approval if Fairgrounds Road right-of-way cannot be abandoned.

15. Prior to the first building permit, or prior to rezoning for the not included parcel to the southeast, this petitioner shall either provide the not included parcel with:
 - a. An access easement, or
 - b. Extension of the cul-de-sac to the south to provide legal frontage subject to approval by the County Engineer and Zoning Division.

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 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:

Susan Lubot
COUNTY ATTORNEY

BY:

Jane J. Hardy
DEPUTY CLERK