

RESOLUTION NO. R-89-2211

RESOLUTION APPROVING ZONING PETITION NO. 89-50  
SPECIAL EXCEPTION PETITION OF  
SALVATORE A., LENA R. AND ANDREW ARENA

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 have been satisfied; and

WHEREAS, Petition No. 89-50 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-50 the petition of SALVATORE A., LENA R. AND ANDREW ARENA, by Larry W. Hodges, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT (SOIL PROCESSING) on a parcel of land lying in Section 27, Township 43 South, Range 42 East, being the West 30.00 feet of the East 130.00 feet of the South 132.00 feet of the West 1/2 of Tract 55, Block 5, Palm Beach Farms Company Plat No. 3, together with the East 100.00 feet of the South 132.00 feet of the West 1/2 of said Tract 55, together with the East 130.00 feet of the North 132.00 feet of the South 264.00 feet of the West 1/2 of said Tract 55, also described as the East 130.00 feet of the South 264.00 feet of the West 1/2 of said Tract 55, Plat Book 2, Page 45, being located on the north side of Wallis Road, approximately 160 feet east of Tall Pine Road, in an IL-Light Industrial Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate along the north and west property lines:

- a. Perimeter landscape strips fifteen (15) feet in width:
  - b. Solid masonry wall six (6) feet in height:  
and,
  - c. Increased landscaping including a double row of native canopy trees twelve (12) feet in height, minimum canopy six (6) feet in width, planted twenty (20) feet on center. The trees shall be located outside of the six (6) foot masonry wall.
2. Prior to Site Plan Review Submittal, the parking area shall be relocated to the rear of the office building away from the eastern property line.
3. The use of this site shall be limited to soil processing.
4. Parking shall not be permitted in landscape areas or rights-of-way.
5. Hours of operation shall be limited from 8:00 a.m. to 6:00 p.m., Monday through Friday.
6. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
7. No loudspeakers or public address system shall be permitted on site.
8. The machine used for mixing of sand and bale peat shall be located at all times within twenty-five (25) feet of the eastern property line.
9. 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).
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development **Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

12. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder **of** the site.
13. Within **90** days of approval **of** this project, the property owner shall convey to Palm Beach County Land Development **Division** by road right-of-way warranty deed for Wallis Road, **30** feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
14. The Property owner shall construct Wallis Road from Tall Pines Road east to the project's east property line (local street standards minimum **2-10** foot travel lanes) concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Building Permit.
15. The petitioner 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 **\$3,376.00** (**126** trips X **\$26.79** per trip).
16. Any expansion of the soil processing activities shall be subject to future BCC approval.
17. Failure to comply with any conditions of approval 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.

Commissioner Roberts moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

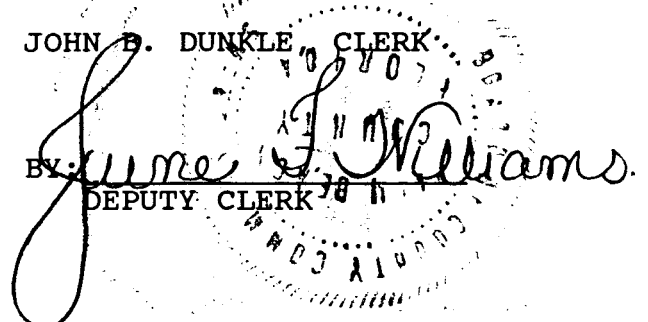
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN D. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK