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RESOLUTION NO. R-89-2220

RESOLUTION APPROVING ZONING PETITION NO. 84-172(C)
SPECIAL EXCEPTION PETITION OF DAVID KEENER AND LEN ROY KEENER

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. 84-172(C) 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. 84-172(C) the petition of DAVID KEENER AND LEN ROY KEENER, by David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT WHICH WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL DEVELOPMENT (PETITIONS NO. 84-172, 84-172(A) AND 84-172(B)) on a parcel of land lying on Lots 10 through 21, of Halls Addition to Military Park, in Plat Book 12, Page 44, lying in Section 24, Township 43 South, Range 42 East, being located on the southwest corner of the intersection of Marguerita Street and Hall Avenue, approximately .05 mile east of Military Trail (SR 809), in the IL-Light Industrial Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. Petition No. 84-172(B); Resolution No. 86-851, special exception to amend and expand the site plan for a Planned Industrial Development, previously approved under Petition No. 84-172(A), to increase building square footage and Petition No. 84-172(A); Resolution No. 85-574, special exception to allow a Planned Industrial Park, are hereby repealed in their entirety.

2. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate:
 - a. Along the west property line a six (6) foot solid fence with native canopy trees a minimum ten (10) feet in height with six (6) foot spread, planted twenty (20) feet on center:
 - b. The labeling of bay doors and loading areas. The site plan shall be redesigned to indicate loading areas adjacent to bay doors to service warehouse: and,
 - c. A row **of** native canopy trees planted twenty (20) feet on center, a minimum of twelve (12) feet in height and a thirty-six (36) inch hedge planted across the southern property line.
 - d. A ficus hedge twenty-four (24) inches in height and twenty-four (24) inches on center shall be planted along the northern property line and maintained at a minimum of five (5) feet in height after two years.
3. Parking shall not be permitted in landscape areas or rights-of-way. Parking shall be permitted only in designated parking stalls.
4. 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.
5. **No** loudspeakers or public address system shall be permitted on site.
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. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 - a. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.

10. 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.
11. 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 **\$4,126.00 (154 trips X \$26.79 per trip)**.
12. All facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residential development.
13. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.
14. The property owners shall file limited access easement for the frontage along both Marguerita Street and Hall Avenue.
15. The property owner shall construct Annette Street to local street standards (minimum 2-10 foot travel lanes) from the project's entrance to Military Trail concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
16. 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

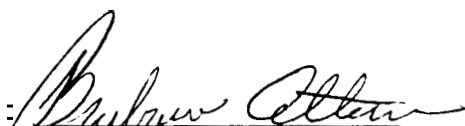
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

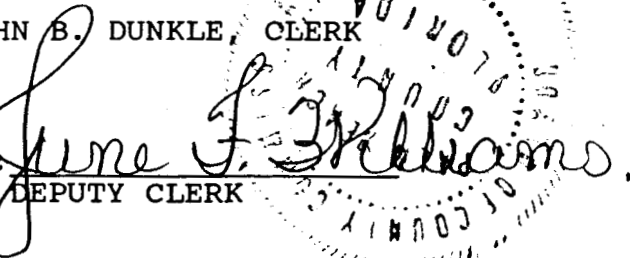
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

