

RESOLUTION NO. R- 90-356

RESOLUTION APPROVING ZONING PETITION NO. 89-76
SPECIAL EXCEPTION PETITION OF
ARMINELLI, DUNCAN WILLIAM AND STANLEY ALLEN MASON

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. 89-76 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 89-76, the petition of ARMINELLI, DUNCAN WILLIAM AND STANLEY ALLEN MASON, by David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT on a parcel of land known as the West 2.00 acres of Tract 96, "MODEL LAND COMPANY'S SUBDIVISION OF Section 20, Township 44 South, Range 43 East", Plat Book 5, Page 79, being located on the north side of 2nd Avenue North, approximately .3 mile west of Boutwell Road, in an IL-LIGHT INDUSTRIAL ZONING DISTRICT, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Direction of on-site circulation. Prior to Certificate of Occupancy, one-way signage shall be installed according to the approved site plan;
 - b. One (1) twelve (12) foot tall native canopy tree for each twenty (20) linear feet of property line and a thirty-six (36) inch tall hedge

within the southern landscape buffer;

- c. The installation of one of the three alternative landscape strips along interior property lines which abut residentially zoned properties; and,
 - d. Compliance with Condition No. 15 below; The site shall be redesigned to accommodate the drainage ditch.
2. There shall be no outside storage of disassembled vehicles or parts thereof; materials or refuse.
 3. Use of the site shall be limited to those activities consistent with the permitted use list in the IL Zoning District. No retail sales shall be permitted on site.
 4. All outdoor site lighting used to illuminate the premises shall be shielded, low intensity and directed away from adjacent residentially zoned property and right-of-way.
 5. There shall be no parking in front of the bay doors.
 6. No off premise signs shall be permitted on site.
 7. 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.
 8. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 10. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
 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. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for 2nd Avenue North, 40 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 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.
15. Prior to Site Plan approval the petitioner shall revise the site plan to delete the north 15 feet of the west 2 acres of Tract 96 Model Land Company's Subdivision of Section 20, Township 44 South, Range 43 East as recorded in Plat Book 5, Page 79 for right-of-way for "Fritz Ditch" presently owned by the Lake Worth Drainage District.
16. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
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 Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

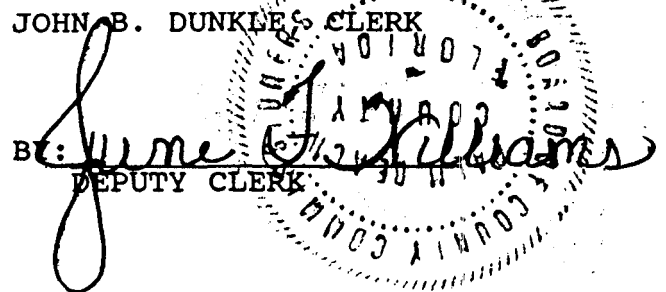
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

