

RESOLUTION NO. R-98- 732

RESOLUTION APPROVING ZONING PETITION DOA82-42(D)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BRIAN MAHONEY  
BY SARA LOCKHART, AGENT  
(WESTPORT INDUSTRIAL)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

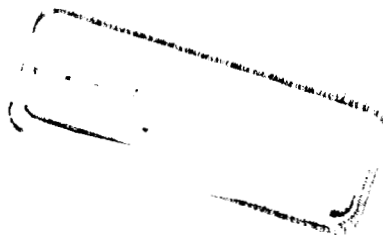
WHEREAS, Zoning Petition DOA82-42(D) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.



8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in **logical**, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA82-42(D), the petition of Brian Mahoney, by Sara Lockhart, agent, for a Development Order Amendment (DOA) Add cross-access on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

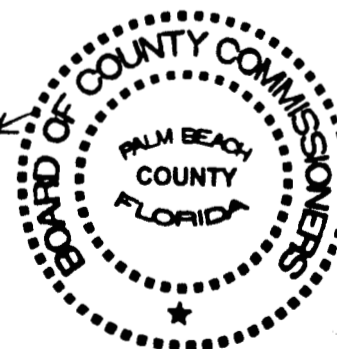
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

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PARCEL A

THE NORTH 132 FEET OF THE WEST 1/2 OF TRACT **51**, BLOCK **5**, PALM BEACH FARMS COMPANY PLAT **NO. 3**, RECORDED IN PLAT BOOK **2**, PAGES **45 TO 54**, IN THE OFFICE **OF** THE CLERK OF THE CIRCUIT COURT, IN AND FOR **PALM BEACH COUNM.** FLORIDA.

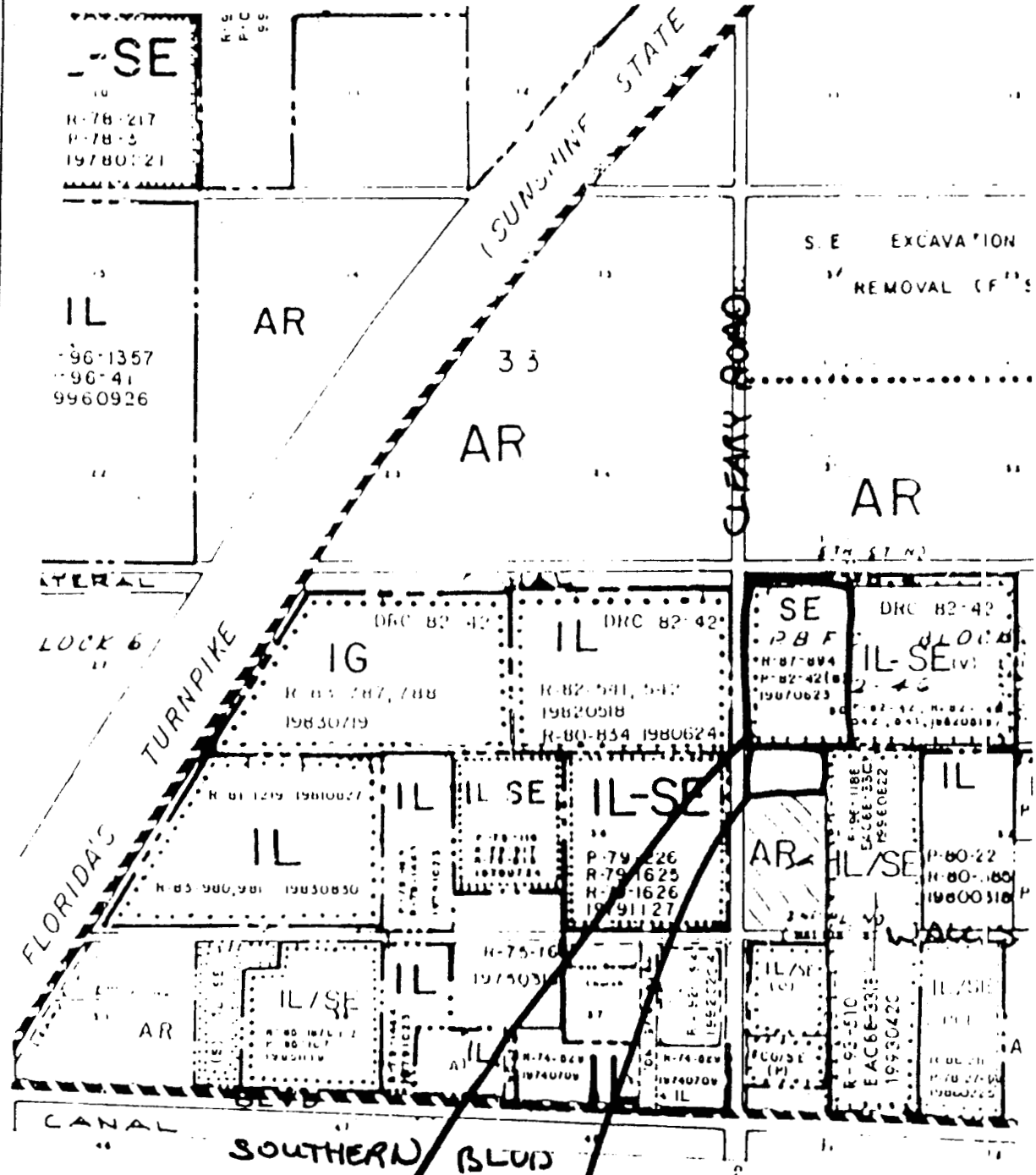
AND

PARCEL B

THE SOUTH TWO FEET **OF** THE NORTH **134** FEET OF THE WEST 1/2 OF TRACT **51**, BLOCK **5**, ACCORDING TO THE PLAT OF **PALM BEACH FARMS** COMPANY, PLAT **NO. 3**, AS RECORDED IN PLAT **BOOK 2**, PAGE **45**, IN AND FOR **THE PUBLIC RECORDS** OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO RESTRICTIONS, RESERVATIONS, CONDITIONS AND EASEMENTS OF RECORD AND **TAXES FOR** THE YEAR **1995** AND SUBSEQUENT YEARS.

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



82-42

JAN 27 1998

Westport  
INDUSTRIAL  
PARK

Prestige  
Gunita  
97-76



Petition Number: 82-42-D  
Zoning Quad Page \_\_\_\_\_  
Date: 1/27/98



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. Condition 1 of Resolution ~~R-87-894~~, Petition ~~82-42(B)~~ **which** currently states:  
  
The developer shall comply with all previous conditions **of** approval unless expressly modified herein.  
  
**Is hereby deleted. [REASON: superseded with new condition]**
2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-1366 (Petition 81-161), R-82-541 (Petition 82-42), R-83-787 (Petition ~~82-42(A)~~) and R-87-894 (Petition ~~82-42(B)~~), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously **established** by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
3. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is **dated** January 29, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. BUILDING AND SITE DESIGN

1. The Site Plan shall be amended to delete entrance signs and to specify buffer treatment. (Previously Cond. 7 of Reso. R-81-1366, Pet. 81-161)
2. The helistop may be used only between the hours of **8:00** a.m. and **6:00** p.m. (Previously Condition 8 of Resolution R-83-787, Petition ~~82-42(A)~~)
3. Prior to site plan certification, the site plan shall be amended to reflect the required number of trees. (Previously Condition 2 of Resolution R-87-894, Petition ~~82-42(B)~~)
4. Prior to site plan certification, petitioner shall submit calculations from a registered engineer substantiating the position of the one hundred ten (**110**) percent break point. (Previously Condition 3 of Resolution R-87-894, Petition ~~82-42(B)~~)
5. Prior to site plan certification, the **petitioner's** engineer shall certify the safety of the facility with respect to the proximity to adjacent buildings and public areas. (Previously Condition 4 of Resolution R-87-894, Petition ~~82-42(B)~~)

C. HEALTH

1. The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (~~just~~ particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 4 of Resolution R-81-1366, Petition 81-161, Condition 3 of Resolution R-82-541, Petition 8242, Condition 3 of Resolution R-83-787, Petition 82-42(A))
2. The developer will take necessary precautions to insure there ~~will be~~ no pollutant run-off from this project to adjacent ~~or~~ nearby surface waters. (Previously Condition 5 of Resolution R-81-1366, Petition 81-161, Condition 4 of Resolution R-82-541, Petition 82-42, Condition 4 of Resolution R-83-787, Petition 82-42(A))
3. In order to prevent groundwater contamination via the septic tank, ~~only~~ toilets and accessory lavatories may be connected to the septic tank and drainfield. All other waste water and fluid disposal, including ~~floor~~ drains, must be accomplished with applicable hazardous waste disposal and environmental control regulations. (Previously Condition 6 of Resolution R-83-787, Petition 82-42(A))

E. ENGINEERING

1. Petitioner shall convey to Palm Beach County within ninety (**90**) days of Special Exception approval **40'** from centerline for the ultimate right-of-way for Cleary Road. (Prev Cond 1 of Reso R-81-1366, Pet. 81-161)
2. Petitioner shall construct on Southern Boulevard at its intersection with Cleary Road a left turn lane, west approach, prior to issuance of a Certificate of Occupancy. (Previously Condition 2 of Resolution R-81-1366, Petition 81-161)
3. Petitioner shall contribute Four Thousand Eight Hundred Dollars (**\$4,800.00**) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits. (Previously Condition 13 of Reso. R-81-1366, Pet. 81-161)
4. The Lake Worth Drainage District will require the North **30.00** feet of Tract **50** and the West **1/2** of Tract **49**, Block **5**, Palm Beach Farms Co. Plat **No. 3** for the right of way for Lateral Canal No. **4**. We will accept a Quit Claim Deed ~~or~~ an Easement (on our form), whichever the owner prefers. (Previously Condition 6 of Reso. R-81-1366, Pet. 81-161)
5. Petitioner shall construct prior to the issuance of a Certificate of Occupancy per the County Engineer's approval:
  - a. Cleary Road from Southern Boulevard to the project's north property line;
  - b. Left turn lane, west approach, on Southern Boulevard at its intersection with Cleary Road;
  - c. Left turn lane, north approach, on Cleary Road at its intersection with Southern Boulevard;

- d Right turn lane, east approach, on Southern Boulevard **all** its intersection with Cleary Road. (Previously Condition 1 of Resolution **R-82-541**, Petition 8242 and Condition 1 of Resolution **R-83-787**, Petition 82-42(A))
6. Petitioner shall contribute, in addition to the impact fee **asses** to Petition **81-161, \$15,075.00** (Fifteen Thousand and Seventy-Five **Dollars**) toward the cost of meeting this project's direct and identifiable traffic impact to be paid on a pro-rata basis at the time of issuance of the building permits. (Previously Cond. 2 of Reso. **R-82-541**, Pet. 8242)
  7. The Lake Worth Drainage District will require the North **30** feet of **Tract 26, Block 6**, lying east of the Sunshine State Parkway; the North **30** feet of **Tract 50, Block 5**, and the North **30** feet of the **W 1/2** of **Tract 49, Block 5**, all according to the Plat of Palm Beach Farms Co. Plat **No. 3** for the right-of-way for Lateral Canal No. **4**. Petitioner shall convey **said** right of way by either a Quit Claim Deed **or** an Easement on a **form** acceptable to the District. (Previously Condition 5 of Resolution **R-82-541**, Petition 82-42) (ENG)
  8. The developer of Lot # **10** (the west **554.42** as measured along the **north** property line), shall contribute Two Thousand Nine Hundred **and** Thirteen Dollars (**\$2,913.00**) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit. **developers** of the remaining portion of this development **shall** contribute **\$62/100 sq. ft.** of general warehouse building **or** the published rates for other types of construction toward the **cost** of meeting this project's direct and identifiable traffic impact to be **paid** at the time of issuance of the building permit(s). (Previously Condition 2 of Resolution **R-83-787**, Petition 82-42(A)) (ENG)
  9. The Lake Worth Drainage District has requested the north **30** feet of Tract **26, Block 6**, lying east of the Sunshine State Parkway; the **North 30** feet of Tract **24, Block 6**; the North **30** feet of Tract **50, Block 5**, **and** the North **30** feet of the **W 1/2** of Tract **40, Block 5**, all according to the Plat of Palm Beach Farms Co. Plat No. **3** for the right-of-way for **Lateral** Canal No. **4**. The property owner shall convey **said right-of-way** by either a Quit Claim Deed **or** an Easement on a form acceptable to the District. (Previously Condition 5 of Resolution **R-83-787**, Petition **82-42(A)**)
  10. Condition 7 of Resolution **R-83-787**, Petition **82-42(A)** **which** currently states:  
  
This development must retain **onsite 85%** of the stormwater runoff generated by the three year storm per the requirements of the **Permit** Section, Land Development Division.  
  
**Is** hereby deleted. [REASON: Code Requirement]
  11. The developer shall install a caution light at the intersection of Cleary Road and Southern Boulevard if and when warranted by the **Department** of Transportation (DOT). (Previously Condition **9** of Resolution **R-83-787**, Petition **82-42(A)**)
  12. Turning lane tapers should not be less than **150'**, and the storage lanes should be predicated on the volume of **traffic** but not less than **200'**. (Previously Condition 10 of Resolution **R-83-787**, Petition **82-42(A)**)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)