

RESOLUTION NO. R-83-1109

RESOLUTION APPROVING ZONING PETITION 83-96, Special Exception

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. 83-96 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th July 1983; 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, the Board of County Commissioners made the following findings of fact:

1. The proposed rezoning is consistent with the industrial Land Use Plan designation for this property.
2. The proposed rezoning and special exception are consistent with the requirements of the Comprehensive Plan and Zoning Code.
3. The proposed renovation and expansion of an existing asphalt plant should not have any significant negative impacts upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day July 1983, that Petition No. 83-96 the petition of LANGER CONSTRUCTION, INC., by David Layman, Esquire, for a SPECIAL EXCEPTION TO ALLOW ASPHALT AND CONCRETE MIXING AND PRODUCT MANUFACTURING on Tracts 8 and 11, Block 8, Palm Beach Farms Company Plat No. 3, in Section 31, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive. Except also those portions subject to Right-of-Way Deed, as recorded in Deed Book 1046, Page 105. Said property located on the southeast corner of the intersection of 95th Avenue North and Fairgrounds Road North,

approximately .1 mile east of S.R.7 (U.S.441) was approved as  
advertised subject to the following conditions :

1. This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The developer shall construct, concurrent with on-site paving and drainage improvements pursuant to a permit issued from the office of the County Engineer:
  - a) Left turn lane, north approach on S.R. 7 at the project's entrance road.
  - b) Right turn lane, south approach on S.R. 7 at the project's entrance road.
  - c) Left turn lane, west approach on S.R. 80 at the project's entrance road.
  - d) Right turn lane, east approach on S.R. 80 at the project's entrance road.
3. The developer shall contribute One Thousand Five Hundred and Sixty Three Dollars (\$1,563.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
4. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) do not become a nuisance to neighboring properties.
5. The developer shall take necessary measures during the development of this property to prevent pollutant run off to neighboring and nearby surface waters.
6. An air pollution control statement must be submitted to the County Health Department prior to Site Plan Certification.
7. This development shall comply with the Performance Standards contained within Section 599.16 of the Zoning Code. Violation of these standards shall cause this petition to be reconsidered by the Board of County Commissioners.

Commissioner Bailey , moved for approval

of the petition. The motion was seconded by Commissioner Koehler ,  
and upon being put to a vote, the vote was  
as follows:

Peggy E. Evatt, Chairman	--	ABSENT
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and  
adopted this        day of        SEP 13 1983        , confirming action of  
28th July 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: Trudy Modden  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

John Corbett  
County Attorney

