

RESOLUTION NO. R- 85-807E

RESOLUTION APPROVING ZONING PETITION 85-26, 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. 85-26 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th March 1985; 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. With amendments to the site plan, or variance relief, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of March 1985, that Petition No. 85-26 the petition of CHARLES H. POWERS By James D. Carlton, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on Tract 23 and 26, Block 7, Palm Beach Farms Company Plat No. 3, in Section 32, Township 43 South, Range 42 East, as recorded in Plat Book 2, Page 46. Subject to an easement for drainage purposes over the West 25 feet of said Tract 26, recorded in Official Record Book 2676, Page 1375, And an easement for Drainage purposes over the North 50 feet of said Tract 26; recorded in Official Record Book 4423, Page 1949.

Subject to the following easement for road purposes:

Commencing at the Southwest corner of Tract 26, Block 7, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Page 46, thence Easterly along the South line of said Tract 26, a distance of 445.03 feet to the Point of Beginning, thence continue Easterly along the South line of said Tract 26, a distance of 100 feet; thence Northerly at right angles, a distance of 20 feet; thence Westerly parallel with the South line of said Tract 26 a distance of 100 feet; thence Southerly at right angles a distance of 20 feet to the Point of Beginning. Said property located on the north side Kelly Drive, approximately .1 mile west of Benoist Farms Road and approximately .2 miles north of Southern Boulevard (S.R. 80) was approved as advertised subject to the following conditions:

1. Prior to Site Plan certification, the site plan shall be amended to reflect:

- a) A twenty-five (25) foot access dimension at the entrance from Kelly Drive
- b) Paving of the internal access road from Kelly Drive to the proposed two-story structure.

2. Prior to site plan certification, variance relief shall be obtained from the Board of Adjustment with respect to the following (or the site plan shall be amended to correct these deficiencies):

a) Unpaved parking for areas of the site to be used for vehicle storage.

b) Undesignated parking stalls and dimensions of areas to be used for vehicle storage

c) Twenty foot wide two-way access drive.

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

6. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

7. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

8. The use of the site shall be limited to storage of vehicles and ancillary wholesaling of vehicles.

9. No washing, cleaning, painting or repair of vehicles shall be permitted at this site.

10. Any change of use of this site shall require a formal petition for Modification of Commission Requirements.

11. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

12. 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. Presently, the Fair Share Fee for this project is \$1,225.00.

13. Should any portion of the 30-acre site be subdivided, the developer shall be required to:

a) Convey for the ultimate right of way of Kelly Drive, legal access to and over the subdivided portion, a total of 60 feet concurrent with the filing of the plat.

b) Construct Kelly Drive to collector road construction standards, except for right-of-way width, from the existing paved terminus north of S.R. 80 north to the subdivided parcel's north property line including the construction of a structure over the Lake Worth Drainage District's S-2 Canal, if such crossing is within legal access to the subdivided parcel, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Owens, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted

this 21 day of May, 1985 confirming action of the 28th March

1985.

§ 85 807E

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Jean H. Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

FILED THIS _____ DAY OF

MAY 21 1985

AT _____

518

178