

RESOLUTION NO. R-85-1876Z

RESOLUTION APPROVING ZONING PETITION 85-107, 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. 85-107 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd August 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Relocation opportunities are available for the mobile home owning residents on this site, pursuant to Florida Statutes, Section 723.0883.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1985, that Petition No. 85-107 the petition of DOUGLAS K. MATTSON By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on the East 507.5 feet of the West 670 feet of Tract 38 lying North of the North Right-of-way line of Southern Boulevard (State Road 80), all lying in Block 6, Palm Beach Farms Company, Plat No. 3, in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, inclusive.

Less However, the North 108.70 feet of the West 315 feet of said Tract 38.

Subject to an easement for road purposes over that part of the East 12.5 feet of the West 175.0 feet of said Tract 38, lying North of the North Right-of-way line of Southern Boulevard (State Road 80) and South of the South line of the North 108.70 feet of said Tract 38.

Also, subject to a 30 foot easement for road purposes as described in Official Record Book 1202, Pages 230 and 231. Said property located on the north side of Southern Boulevard (S.R. 80), approximately .2 mile east of Florida's Turnpike (Sunshine State Parkway) was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

a) Minimum twenty-one (21) foot one-way parking and access bay width dimensions.

b) Dimension of access drive at the street/property line.

c) Minimum sixty-five (65) foot two-way parking and access bay width dimensions for two-way vehicle circulation with ninety (90) degree/angle parking.

d) Adequate parking and .access bay width dimensions pursuant to code Section 500.17.J. Indicate one and two-way traffic patterns.

e) Location of building access points.

f) Interior parking area landscaping pursuant to Section 4.G. of the landscape code, and site data calculations for required and proposed interior parking area landscaping.

g) Removal/relocation of the four parking stalls shown at the end of the northernmost storage building.

h) Ten to twelve (10-12) foot high canopy trees shall be planted at thirty (30) foot intervals on center along the west property line.

i) A chain link fence shall be installed along the entire length of the west property line to secure the abutting residential area from trespass.

j) A minimum of sixteen (16) canopy trees shall be placed along the Southern Boulevard frontage of the site. These trees shall be 10 to 12 feet in overall height at the time of planting, maintained in good condition at all times, and replaced as necessary.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. All mechanical and air conditioning equipment for building located along the site perimeter shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

4. The west facade of the warehouse facility shall be given architectural treatment consistent with the front of the project to avoid an incompatible industrial appearance impact upon nearby residential development.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the warehouse area, nor within access aisle and parking bay areas.
6. No parking of any vehicles shall be permitted along the rear of the warehouse facility, except in designated spaces or unloading areas.
7. Security lighting shall be directed away from nearby residences.
8. 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.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
10. 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.
11. 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.
12. 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.
13. The property owner shall convey for the ultimate right-of-way of Southern Boulevard, 200 feet north the existing south right of way line of Southern Boulevard within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
14. The property owner shall construct left turn lane west approach on Southern Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval.
15. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.
16. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Southern Boulevard.
17. The property owner shall convey 60 feet of right-of-way along the project's east property line intended to be dedicated to the public to provide future access for the property to the east and north. This right-of-way shall be conveyed prior to the issuance of a building permit.
18. Use of the site shall be strictly limited to dry storage. There shall be no leasing of space for any manufacturing, retailing, or service activities.
19. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

20. 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. The Fair Share Fee for this project presently is \$7,367.00.

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$1,842 towards roadway improvements in the appropriate Impact Fee Zone. These funds shall be paid prior to January 15, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$1,842 shall be credited toward the increased Fair Share Fee.

21. The hours of operation shall be limited from 7:00 A.M. to 7:00 P.M.; lessees of these storage spaces shall be permitted access to the site only during these hours.

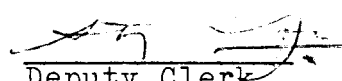
Commissioner **Marcus** , moved for approval of the petition. The motion was seconded by Commissioner **Wilken** , and upon being put to a vote, the vote was as follows:

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

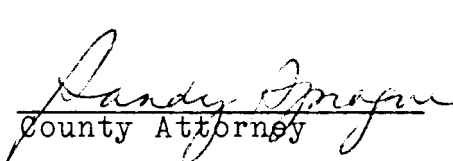
The foregoing resolution was declared duly passed and adopted this *19TH* day of *NOVEMBER 1985* confirming action of the 23rd August 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney