

RESOLUTION NO. R- 86-108

RESOLUTION APPROVING ZONING PETITION 85-110, 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. 85-110 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of October 1985, that Petition No. 85-110 the petition of RICHARD AND ROBIN WAGNER By Kieran Kilday, 'Agent for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE COMBINATION on the East 200 feet of the West 500 feet of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 44 South, Range 43 East.

Less the rights-of-ways for 1-95, Lantana Road, & Sunset Drive.

Together with any and all rights of grantors to the use of a 20 foot ingress and egress easement as set forth in Deed Book 1028, Page 644, more particularly described as follows:

Beginning at a point on the South line of Section 33, and 500 feet East of the Southwest corner of said Section 33; thence Northerly along a line parallel with the West line of Section 33, a distance of

660 feet; thence Easterly 20 feet along a line parallel with the South line of said Section 33; thence Southerly along a line parallel with the West line of said Section 33, a distance of 660 feet to the South line of said Section 33; thence Westerly along said South line a distance of 20 feet to the Point of Beginning.

All bearings are relative to an assumed bearing of South 00 degree 06'51" West located on the West line of the Southwest 1/4 of said Section 33. Said property located on the north side of Lantana Road (S.R. 812) approximately 250 feet east of High Ridge Road 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) The proposed six foot high solid masonry wall along the north, west, and east property lines, supplemented with 10-12 foot high canopy trees planted 25 feet on center on the inside of the wall.

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. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

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

5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the site.

7. No parking of any vehicles shall be permitted along the rear of the site except in designated spaces or unloading areas.

8. Security lighting shall be directed away from nearby residences.

9. 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.

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

11. 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.

12. 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.

13. 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.

14. The property owner shall convey for the ultimate right-of-way of the adjacent road easement on the east, 25 feet from centerline (approximately an additional 5 feet) 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.

15. Should the Office of the County Attorney determine that the petitioner has the right to utilize the road easement, the property owner shall construct the road easement (a minimum of 2-10 foot lanes) on the east property line from Sunset Lane north to the project's north property line concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

16. 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 \$7,689.00 (287 trips X \$26.79 per trip).

Based on the Traffic Performance Standards (Category " B"), the Developer shall contribute an additional \$1,922.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$9,611.00 to be paid prior to the issuance of a Building Permit or October 1, 1986, whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$1,922.00 shall be credited toward the increased Fair Share Fee.

17. The property owner shall restrict the use of the property to office/warehouse. There shall be no commercial sales onsite.

18. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

19. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Sunset Road.

20. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

21. The petitioner shall comply with prospective amendments to the Landscape Code, if such amendments are enacted prior to building permit issuance.

22. Hours of operation of businesses on this site shall be limited from 7:00 a.m. to 8:00 p.m.

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

The foregoing resolution was declared duly passed and adopted
this day of FEB 11 1986 confirming action of the 30th October
1985.

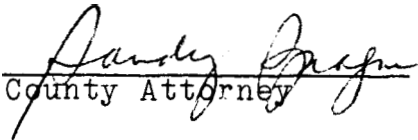
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney