

RESOLUTION NO. R-86-122

RESOLUTION APPROVING ZONING PETITION 85-134, 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. 85-134 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. With site plan modifications and phasing of permitted square footages of uses linked to thoroughfare improvements, 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. 85-134 the petition of J.M. RUBIN, By Paul Rhodes, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT on Tract 2, Block 4, Less the West 8.00 feet thereof, Less the North 300.00 feet of the West 660.02 feet thereof, Less the South 175 feet thereof, and Less the East 768.00 feet thereof, Palm Beach Farms Company, Plat No. 3, in Sections 27 and 28, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45 through 54. Said property located on the south side of Dwight Road and on the east side of Skees Road approximately 0.3 mile south of Okeechobee Boulevard (S.R. 704) was approved as advertised subject to the following conditions:

1. 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.

2. 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.

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

4. 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.

5. 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.

6. The development shall retain onsite (which includes the retention pond shown on the master plan) 85% of the stormwater runoff generated by a three (3) year one hour storm or any new requirement officially adopted by the County prior to the issuance of the onsite Drainage Permit required by Condition 12 per requirements of the Permit Section, Land Development Division.

7. The property owner shall convey for the ultimate right-of-way of:
a) Jog Road, a maximum of 120 feet, within the eastern 200 feet of the property, as long as the exact alignment is determined by the County Engineer and property owner notified by January 31, 1986.
b) Dwight Road, 40 feet from centerline,
c) Skees Road, 40 feet from centerline,

all within 180 days of adoption of the Resolution by the Board of County Commissioners; and conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

8. The property owner shall construct:
a) left turn lane, east approach on Dwight Road at Skees Road,
b) left turn lane, north approach on Skees at Dwight Road and any remaining portion of Dwight Road from Jog Road to Skees Road as a 24 foot collector road standard section,

all concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

9. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Dwight Road and Jog Road along the property frontage and for a maximum 400 foot distance each side of the property boundary lines along Dwight Road and Jog Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

10. 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 \$42,194 (1,575 trips X \$26.79 per trip).

11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$21,097.00 toward Palm Beach

County's existing Roadway Improvement Program, which shall be paid prior to the issuance of a Building Permit or before October 1, 1986 whichever shall first occur.

In lieu of this contribution, the developer may elect to construct Jog Road as a 2-lane section as per County Engineering requirements from Okeechobee Road to the project's entrance. If the developer elects this option, he must notify the County by May 1, 1986. The County will then acquire the necessary right-of-way by April 1, 1987. The developer shall let the contract within 90 days of the County acquiring all the required right-of-way. If the County has not acquired all of the right-of-way by April 1, 1987, the developer may either wait for the County to acquire the right-of-way or contribute the \$21,097.00 requested in the first paragraph of this condition, such payment relieving the developer of any further obligation pursuant to this condition.

Credit for this construction shall be given toward the Fair Share Fee described in Condition 10.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$21,097.00, required in the first paragraph of this condition, or the actual cost of construction incurred pursuant to the second paragraph of this condition shall be credited toward the increased Fair Share Fee.

12. 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.

13. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Dwight Road, Jog Road and Skees Road.

14. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule; no more than 108,500 square feet of Industrial square footage shall be issued until Okeechobee Boulevard has been constructed as a 4 lane section from the Florida Turnpike to Golden Lakes Boulevard plus the appropriate paved tapers.

15. Should the property owner sell or convey any parcel, the property owner shall plat each parcel per the County Engineers Approval.

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

17. **All** development phases shall be subject to Site Plan Review Committee Certification.

18. The western, eastern, and southern facades of the building shall be given a finished architectural treatment to mitigate negative visual impacts upon surrounding residentially zoned properties. In addition, the developer shall install a 4 foot high landscaped berm containing at least 75% Florida native vegetation along the Skees Road frontage.

19. Security lighting shall be directed away from all abutting residential areas.

20. The significant native vegetation within the ten (10) foot natural buffer along the southern property line shall be preserved and existing vegetation shall be supplemented with additional planting of one (1) tree every 20 feet.

21. A six foot high wall, as shown on the master plan, shall be constructed along the southern portion of the property.

22. Buildings erected immediately adjacent to the south property line shall be limited to 20 feet of clear height; roofs and parapets are permitted to extend up to 5 additional feet.

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

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