

RESOLUTION NO. R- 86-225

RESOLUTION APPROVING ZONING PETITION 85-106, 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.** 85-106 was presented to the Board **of** County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 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 minor modification, 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 4th of December 1985, that Petition **No.** 85-106 the petition **of** MELVIN T. STONE By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW ENCLOSED STORAGE FACILITIES on a parcel of land in Section 13, Township 43 South, Range 42 East, more particularly described as follows:

Commence at a point in the intersection of the centerline **of** Hibiscus Circle and the centerline of Palm Road as shown on the Plat of Garden Lake recorded in Plat Book 26 at Page 35; thence run Westerly along the centerline **of** Hibiscus Circle, a distance of 2178 feet more or less to the Northwest corner of Trinity Baptist Church **of** Palm Beach County, Inc. in Official Record **Book** 2214 at Page 219, thence run South along the West line **of** said "Trinity" property, a distance **of**

329.96 feet (329.91 feet calculated) more or less to the North line of Block 2, Plat of Garden Lake in Plat Book 26, Page 35; thence run Westerly along the North line of said Block 2, a distance of 165.29 feet (163.22 feet calculated) more or less to the Northwest corner of said Block 2; thence run Northerly along the Northerly extension of the West line of Block 2, a distance of 135 feet more or less; thence Westerly, a distance of 20 feet more or less to the Northeast corner of Tract "A", Plat of Garden Lake, Plat Book 26, Page 35; said point also being the Point of Beginning; thence run West a distance of 277 feet more or less to the Northwest corner of Tract "A"; thence run North a distance of 194.96 feet (194.91 feet calculated) more or less to a point in the Westerly extension of Hibiscus Circle; thence run Easterly along said Westerly extension, a distance of 277 feet more or less to a point in the Northerly extension of the East line of said Tract "A"; thence run Southerly a distance of 194.96 feet (194.91 feet calculated) more or less to the Northeast corner of said Tract "A" and the Point of Beginning.

Together with:

The East 97 feet of Tract "A" Plat of Garden Lake according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in Plat Book 26 at Page 35 less the South 125 feet of the East 60 feet thereof.

Together with:

A parcel of land in Section 13, Township 43 South, Range 42 East, more particularly described as follows:

Commence at a point in the intersection of the centerline of Hibiscus Circle and the centerline of Palm Road as shown on the Plat of Garden Lake recorded in Plat Book 26 at Page 35; thence run Westerly along the centerline of Hibiscus Circle a distance of 2178 feet more or less to the Northwest corner of Trinity Baptist Church of Palm Beach County, Inc. in Official Record Book 2214 at Page 219, for the Point of Beginning; thence run South along the West line of said "Trinity" property, a distance of 329.96 feet (329.91 feet calculated) more or less to the North line of Block 2, Plat of Garden Lake in Plat book 26, Page 35; thence run Westerly along the North line of said Block 2

a distance of 163.22 feet more or less to the Northwest corner of said Block 2; thence continue Westerly 20 feet more or less to the Last line of the aforementioned Tract A; thence run Northerly along the East line of Tract A and the extension thereof a distance of 329.96 feet (329.91 feet calculated) more or less to a point in a Westerly extension of the centerline of Hibiscus Circle; thence Easterly along said Westerly extension, a distance of 185.29 feet (183.22 feet calculated) more or less to the Northwest corner of "Trinity" property and the Point of Beginning. Said property located on the east side of Military Trail (S.K. 809) approximately 250 feet north of 12th Street 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) A six (6) foot solid masonry buffer wall along the east and south property lines where the project abutts residential areas or variance relief from this code requirement shall be secured from the Zoning Board of Adjustment .

b) Requisite parking area interior landscaping depicted graphically on the site plan, and site data calculations, in a "Required (vs) Proposed" format indicating the square footage of interior landscape treatment.

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

4. No parking of any vehicles shall be permitted along the rear of the storage facility except in designated spaces or unloading areas.

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

6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

7. The property owner shall convey for the ultimate right of way of Military Trail, 60 feet from centerline 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.

8. 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 \$3,456.00 (129 trips x \$26.79 per trip) .

9. 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.

10. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto 12th Street and a permit from the Florida Department of Transportation for access onto Military Trail.

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. 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.

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

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

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Shleaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

James B. ...
County Attorney