

RESOLUTION NO. R- 86-767

RESOLUTION APPROVING ZONING PETITION 86-35, 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. 86-35 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th March 1986; 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 27th of March 1986, that Petition No. 86-35 the petition of DONALD GLASSMAN, By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A DRY STORAGE FACILITY on the South 220 feet of the West 990 feet of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 13, Township 46 South, Range 42 East. Said property located on the east side of Military Trail (S.R. 809), approximately .5 mile south of Lake Ida Road was approved as advertised subject to the following conditions:

1. The required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center.
2. Security lighting shall be directed away from nearby residences.
3. No parking of any vehicles shall be permitted along the rear of the building except in designated spaces and unloading areas.

4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

5. Parking stall and loading areas shall be adjusted in field to accommodate existing native vegetation.

6. Existing vegetation shall be supplemented with additional 10-12 foot canopy trees planted equivalent of thirty feet on center where existing vegetation does not meet this requirement.

7. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

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 in accordance with Chapter 17-61, Florida Administrative Code. 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 100% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the South Florida Water Management District and Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

13. 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.

14. 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 \$5,733.00 (214 trips x \$26.79 per trip).

15. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$1,433.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of

\$7,166.00 to be paid within 12 months of the approval date by the Board of County Commissioners or prior to the issuance of the building permit 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 \$1,433.00 shall be credited toward the increased Fair Share Fee.

16. 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.

17. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Military Trail.

18. Use of the site shall be limited to dry storage.

19. Air conditioning equipment shall be placed on the south side of the buildings away from adjacent residential uses.

20. Access to the site shall be controlled with a gate to be closed and locked by 6:00 p.m. everyday.

21. Should petitioner not be able to secure water service from the City of Delray, the petitioner agrees to procure variance relief from the applicable environmental control rules to permit a non-community well.

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

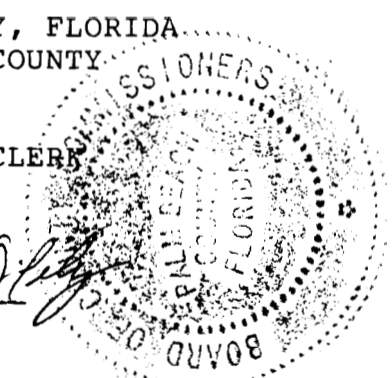
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	NAY
Dorothy Wilken, Member	--	ABSENT
Kenneth Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of May, 1986 confirming action of the 27th March 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Audrey Sprague  
County Attorney