

RESOLUTION NO. R- 86-851

RESOLUTION APPROVING ZONING PETITION 84-172(B), 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. 84-172(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 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. With site plan modifications, the proposal will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of May 1986, that Petition No. 84-172(B) the petition of ROBERT R. CARTER for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-172(A) TO INCREASE THE BUILDING SQUARE FOOTAGE on Lots 10-22, inclusive, Halls Addition to Military Park, in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 12, Page 44. Said property located on the southwest corner of the intersection of Marguerita Street and Hall Avenue and being bounded on the south by Annette Street in an IL-Light Industrial District was approved as advertised subject to the following conditions:

1. The developer shall preserve existing mature banyan trees where

possible, and shall incorporate said trees into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

2. Prior to site plan certification, a tree survey shall be submitted along with the site plan indicating areas of preservation of existing vegetation.

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

a) An access dimension less than thirty-five (35) feet.

b) Delete the "caretakers apartment."

c) A twenty-five (25) foot side corner setback from Marguerita Street, or obtain Board of Adjustment relief for said setback.

d) Include the required hedge materials in the five (5) foot landscape strip along Annette Street, and relocate the trees into the landscape strip.

e) Relocate the signs so they are both entirely on the property, and are not encroaching upon the required five (5) foot setback or landscape strip.

f) Location of the preserved existing banyan trees.

g) Required number of parking spaces, or obtain Board of Adjustment relief.

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

5. No parking of any vehicles shall be permitted along the rear of the mini storage building.

6. All facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residential development.

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

8. 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.

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 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.

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 owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

14. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.

15. The petitioner shall comply with all previously imposed conditions of Petition No. 84-172(A) except as modified herein.

16. Condition No. 8 which states:

"8. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, Annette Street from Hall Avenue to Military Trail."

is hereby amended to state:

"8. The property owner shall construct Annette Street to local street standards (minimum 2-10 travel lanes) from the project's entrance to Military Trail concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer."

17. 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 \$2,385.00 (89 trips X \$26.79 per trip).

18. Use of property shall be restricted to dry storage only; no retail uses will be permitted.

19. The property owners shall file limited access easement for the frontage along both Marguerita Street and Hall Avenue.

Commissioner Spillias, 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:

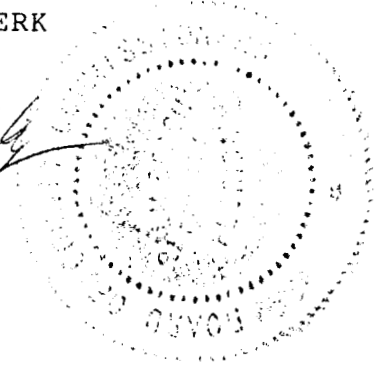
Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of June, 1986 confirming action of the 2nd May 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Carrie Wiley*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Buddy Spayne*  
County Attorney