

RESOLUTION NO. R- 86-857

RESOLUTION APPROVING ZONING PETITION 86-20, 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. 86-20 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 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 2nd of May 1986, that Petition No. 86-20 the petition of BRADLEY CONSTRUCTION, COMPANY, INC., By Lee Starkey, Agent, for a SPECIAL EXCEPTION TO ALLOW ENCLOSED STORAGE FACILITIES on a Tract of land being the North 3/4 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 44 South, Range 42 East, less the North 40 feet Canal Right-of-way; less the East 53 feet for Right-of-way of Military Trail and less the South 226.36 feet of the North 266.36 feet thereof; also being described as follows:

Commencing at the North 1/4 corner of said Section 13; thence, South 01 degree 41'42" West, along the North-South 1/4 Section line of said Section 13, a distance of 266.37 feet; thence, North 88 degrees 47'49" West, along a line parallel with and 266.36 feet Southerly of,

as measured at right angles to, the North line of the Northwest 1/4 of said Section 13, a distance of 53.0 feet for a Point of Beginning;

Thence, South 01 degree 41'42" West, along a line parallel with and 53.0 feet Westerly of, as measured at right angles to, the North-South 1/4 Section line of said Section 13, a distance of 237.78 feet to a point; thence, North 88 degrees 45'12" West, along the South line of the North 3/4 of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 13, a distance of 1283.45 feet; thence, North 01 degree 46'59" East, along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 13, a distance of 236.81 feet; thence, South 88 degree 47'49" East, along a line parallel with and 266.36 feet Southerly of, as measured at right angles to, the North line of the Northwest 1/4 of said Section 13, a distance of 1283.10 feet to the Point of Beginning. Said property located on the west side of Military Trail (S.R. 809) approximately .3 miles south of Forest Hill Boulevard was approved as advertised subject to the following conditions:

1. The developer shall preserve existing vegetation within the eastern one quarter of the site and shall incorporate said vegetation into the project design wherever possible.

Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

2. The exterior facade of the required six (6) foot high wall shall receive identical architectural treatment consistent with the front of the center. The interior side of said wall shall be given architectural treatment to maintain a finished architectural appearance .

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

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

5. Prior to site plan certification, the site plan shall be amended to reflect one tree every 30 feet on center along the property lines where the property abuts residentially zoned areas.

6. 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.

7. 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.

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

9. 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.

10. 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.

11. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

12. The property owner shall be permitted only one turnout onto Military Trail per the County Engineers approval.

13. 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 \$7,983.00 (298 trips X \$26.79 per trip).

14. 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.

15. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Military Trail.

16. Landscaping shall be placed along building facades facing Residentially Zoned areas. A minimum of one (1) canopy tree eight (8) to ten (10) feet in height on average 30 feet on center shall be placed laong such facades. There shall be hedge and foundation plantings around all buildings.

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

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

The foregoing resolution was declared duly passed and adopted

this 10th day of June, 1986 confirming action of the 2nd May 1386.

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

Andy Ingram
County Attorney