

RESOLUTION NO. R-87-215

RESOLUTION IMPROVING ZONING PETITION 86-89, Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 86-89 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on August 29, 1986 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, 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 10th day of February, 1987, that: Petition No. 86-89, the petition of ROBERT EDWARDS By Kieran Kilday, Agent, for a SPECIFIC EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT, INCLUDING AN AUTO SERVICE STATION on Tracts 1, Block 7, Palm Beach Farms Company Plat No. 3 according to the plat thereof, in Section 32, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, inclusive, less "Exhibit A":

Exhibit A : Land for Road Right-of-way purposes situate in Tract 1, Block 7, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Page 46, more particularly described as follows:

Begin at the Northeast corner of said Tract 1; thence South 89 degrees 24'41" West, along the North line of said Tract 1, a distance of 990.15 feet to the Northwest corner of said Tract 1; thence South 00 degree 34'19" East, along the West line of said Tract 1, a distance of 70.00 feet to the proposed South Right-of-way line of Belvedere Road; thence North 89 degrees 24'41" East, along said proposed Right-of-way line, a distance of 480.70 feet to the beginning of a curve from which the radius point bears North 00 degree 35'19" West; a distance of 2924.79 feet; thence Easterly, along the arc of said curve, a distance of 357.33 feet through a central angle of 7 degrees 00'00" to the end of said curve; thence North 82 degrees 24'41" East a distance of 141.62 feet to the beginning of a curve from which the radius point bears South 07 degrees 35'19" East a distance of 25.00 feet; thence Easterly, along the arc of said curve, a distance of 12.63 feet through a central angle of 28 degrees 57'00" to the East line of said Tract 1; thence North 00 degree 34'19" West, along said East line, a distance of 32.56 feet to the Northeast corner of said Tract 1, and the Point of Beginning, less the North 40 feet of said Tract 1

And in addition thereto the following described real property:

Commence at said Northeast corner of Tract 1; thence South 00 degree 34'19" East, along the East line of said Tract 1; a distance of 114.85 feet to the Point of Beginning; thence South 00 degree 34'19" East, continuing along said East line a distance of 545.15 feet to the South line of said Tract 1; thence South 89 degrees 24'41" West, along said South line a distance of 79.22 feet to the proposed Westerly Right-of-way line of Benoist Farms Road and a point on a curve from which the radius point bears South 89

degrees 05'17" East a distance of 2331.83 feet; thence Northerly and Easterly along the arc of said curve a distance of 552.18 feet through a central angle of 13 degrees 34'04" to the East line of said Tract 1, and the Point of Beginning.

Also Less the following described parcel: A strip of land 35 feet wide from the East side of Tract No. 1, Block No. 7 of the Palm Beach Farms Company's Plat No. 3, Pages 45 through 54 inclusive.

Said property located on the southwest corner of the intersection of Benoist Farms Road and Belvedere Road was approved as advertised subject to the following conditions:

1. The developer shall preserve and/or relocate existing palms, particularly the Royal Palms, and shall incorporate the subject palms into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification.
2. Since sewer and water service are available to the property, septic tank or well shall not be approved for use on the property.
3. Project shall be limited to two (2) accesses onto Benoist Farms Road.
4. Project shall be limited to two (2) accesses onto Belvedere Road subject to approval by the County Engineer until Belvedere Road has been constructed as a 4 lane median divided section.
5. The development shall meet stormwater retention requirements in effect at the time of the permit application of the application of the applicable drainage district, however, at a minimum, the developer shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.
6. 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 \$40,560.00 (1,514 trips X \$26.79 per trip).
7. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$10,140.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$50,700.00 are to be paid prior to January 1, 1987.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this

additional amount of \$10,140.00 shall be credited toward the increased Fair Share Fee.

- 8. The property owner shall construct :
 - a. left turn lane, east approach and a right turn lane, west approach on Belvedere Road at the project's entrance roads
 - b. left turn lane, south approach and a right turn lane, north approach on Benoist Farms Road at the project's entrance roads all concurrent with onsite paving and drainage improvements.
- 9. The property owner shall dedicate the additional right-of-way required for the construction of a right turn lane, west approach on Belvedere Road at the project's entrance road. This right-of-way shall be a minimum of twelve (12) feet in width, a minimum of one-hundred (100) feet in length, a one-hundred eighty 180 foot taper length within 90 days of Special Exception approval.
- 10. Prior to site plan approval, a Unity of Title agreement shall be recorded to cover the entire property.
- 11. No retail uses shall be permitted in the warehouse buildings.

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:

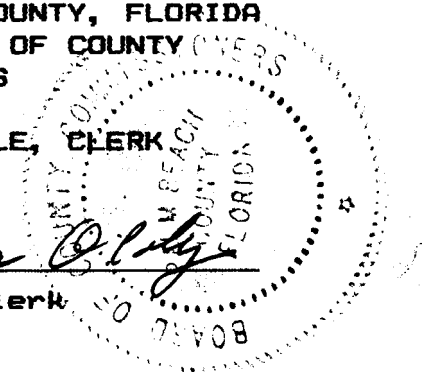
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spilliar	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of August 29, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. [Signature]
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney