

RESOLUTION NO. R- 89-435

RESOLUTION APPROVING ZONING PETITION NO. 88-36  
SPECIAL EXCEPTION PETITION OF MAC ARTHUR LIQUIDATING TRUST  
JOHN E. CORBALLY, JAMES M. FURMAN AND PHILLIP M. GRACE

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. 88-36, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 29, 1988; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-36, the petition of MAC ARTHUR LIQUIDATING TRUST, JOHN E. CORBALLY, JAMES M. FURMAN AND PHILLIP M. GRACE, by Herbert C. Gibson, Agent, for a SPECIAL EXCEPTION TO PERMIT A PUBLIC AND PRIVATE UTILITY SERVICE (SOLID WASTE TRANSFER STATION) AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying in the Southwest 1/4 of Section 24, Township 41 South, Range 42 East, commencing at the Southwest corner of said Section 24, thence South 89 degrees 50' 06" East along the South line of said Southwest 1/4 a distance of 1031.19 feet to a point on the East right-of-way line of Central Boulevard as now laid out and in use; thence North 0 degrees 48' 04" East along the Northerly prolongation of said East right-of-way line a distance of 632.99 feet to the point of beginning of the hereinafter described parcel; thence continue North 0 degrees 48' 04" East a distance of 560.06 feet to a point on a line 120.00 feet South of as measured at right angles to, and parallel with the North line of the South 1/2 of said Southwest 1/4; thence North 89 degrees 58' 02" East along said parallel line a distance of 1596.62 feet to a

point on a line **60.00** feet West of, as measured at right angles to, and parallel with the East line of said Southwest **1/4**, said point also lying on the West right-of-way line of Military Trail as now laid out and in use; thence South **01** degree **24' 25"** West along said parallel line and said West right-of-way line a distance of **560.18** feet to a point; thence South **89** degrees **58' 02"** West departing from said right-of-way line a distance of **1590.70** feet to the point of beginning; less and except the following described portion thereof; commencing at the Southwest corner of said Section **24**; thence South **89** degrees **50' 06"** East along the South line of said Southwest **1/4** a distance of **1031.19** feet to a point on the East right-of-way line of Central Boulevard as now laid out and in use; thence North **00** degrees **48' 04"** East along the Northerly prolongation of said East right-of-way line a distance of **632.99** feet to a point; thence North **89** degrees **58' 02"** East a distance of **10.00** feet to the point of beginning of the hereinafter described parcel; thence North **00** degrees **48' 04"** East a distance of **140.73** feet to the beginning of a curve concave to the East having a radius of **250.00** feet and a central angle of **48** degrees **05' 13"**; thence Northerly along the arc of said curve a distance of **209.82** feet to the point of tangency; thence North **48** degrees **53' 17"** East a distance of **78.23** feet to the beginning of a curve concave to the West having a radius of **150.00** feet and a central angle of **48** degrees **55' 15"**; thence Northerly along the arc of said curve a distance of **128.07** feet to the point of tangency; thence North **00** degrees **01' 58"** West a distance of **45.00** feet to a point; thence North **45** degrees **01' 58"** West a distance of **35.36** feet to a point on a line **120.00** feet South of, as measured at right angles to, and parallel with the North line of the South **1/2** of said Southwest **1/4**; thence North **89** degrees **58' 02"** East along said parallel line a distance of **100.00** feet to a point; thence South **44** degrees **58' 02"** West a distance of **35.36** feet to a point; thence South **00** degrees **01' 58"** East a distance of **45.00** feet to the beginning of a curve concentric to the last described curve having a radius of **200.00** feet and a central angle of **48** degrees **55' 15"**; thence Southerly along the arc of said curve a distance of **170.76** feet to the point of tangency; thence south **48** degrees **53' 17"** West a distance of **78.23** feet to the beginning of a curve concentric to the first curve described herein having a radius of **200.00** feet and a central angle of **48** degrees **05' 13"**; thence Southerly along the arc of said curve a distance of **167.86** feet to the point of tangency; thence South **00** degrees **48' 04"** West a distance of **140.00** feet to a point; thence South **89** degrees **58' 02"** West a distance of **50.01** feet to the point of beginning, located on the west side of Military Trail (SR 809), approximately **.1** mile north of Donald Ross Road, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. All areas of internal circulation within the site shall be posted with signage restricting speeds to fifteen (15) miles per hour or less. In addition, signage shall be posted within the site directing all drivers to avoid excessive acceleration within the site and on the access road.
2. The petitioner shall retain the stormwater runoff in

accordance with all applicable agency requirements in effect at the time of permit application. However, at a minimum, this development shall retain onsite **100%** of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Section. If the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

3. Prior to the issuance of a building permit, the petitioner shall convey to the public an **80** foot right-of-way for the northerly access road between Military Trail and Central Boulevard.
4. The petitioner shall construct concurrent with the four-laning of Military Trail a left turn lane, south approach, and a right turn lane, north approach.
5. The petitioner shall construct Military Trail as a four-lane median divided section from its northern terminus north of Donald **Ross** Road north to the project's entrance, plus the appropriate paved tapers. This construction shall be completed within **18** months of the approval for the Special Exception.
6. Surety required for the offsite road improvements as outlined in the above two conditions shall be posted by the petitioner with the Office of the County Engineer not later than fourteen (**14**) months from the date of approval of the Special Exception.
7. The proposed site is located within the Zone **3** area designated on the Zones of Influence Maps incorporated as a part of the Palm Beach County Wellfield Protection Ordinance. The petitioner shall comply with the following conditions:
  - a. The lake area (**0.7** acre) located in the center of the site shall be developed as a dry stormwater retention area.
  - b. Stormwater drainage on the site will be routed to maximize natural filtration.
  - c. Only periodic routine inspections and maintenance of vehicles and equipment will be performed at this site. The southern portion of the transfer facility, approximately **45** feet by **58** feet, will be developed with a concrete barrier to contain any possible spillage or leakage during routine maintenance.
  - d. The petitioner will comply with all conditions for a facility located within Zone **3** as specified in Section **5.03** of the Ordinance. In addition, the petitioner will also comply with the restrictions for Zone **2**, as specified in Section **5.02** (a), (b),

(c), (d), (e), (f), (i), and (j).

8. The petitioner shall prepare an "Alternative Landscape Betterment Plan", which exceeds the requirements of the Palm Beach County Landscape Code, in the following manner:
  - a. The petitioner shall plant thirty-five (35) trees within the ten (10) foot landscape strip along the western property boundary, which exceeds the number of required perimeter trees (19) in this area by eighty-four percent (84%).
  - b. The petitioner shall plant a minimum of seventy-five percent (75%) native tree species for all trees required by this petition.
  - c. All trees planted by the petitioner, as a requirement of this petition, shall be at a minimum height of ten (10) feet to twelve (12) feet upon planting.
  - d. A hedge, a minimum thirty-six (36) inches in height at time of planting, shall be installed within the ten (10) foot landscape strip along the west property boundary. Said hedge shall consist of all native plant material as defined in Section 500.35 of the Palm Beach County Landscape Code.
  - e. Landscaping shall be preserved and or installed as appropriate per Section 500.35 of the Palm Beach County Landscape Code and Section 500.36 (Vegetation Removal) of the Palm Beach County Landscape Code, as shown on the site plan presented at the public hearing. The petitioner shall preserve existing significant vegetation along all perimeters of the site to effectively screen the proposed development. in addition, all significant existing landscaping shall be preserved within the open space areas, not disturbed by structure, parking, change in grade elevations, or access road. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

Acceptance of this plan will be filed with official records of the Planning, Zoning and Building Department.

9. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach

County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

