

RESOLUTION NO. R-89-446

RESOLUTION APPROVING ZONING PETITION NO. **88-42**
SPECIAL EXCEPTION PETITION OF CAROL ANN MARKS

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. 88-42 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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. 88-42 the petition of CAROL ANN MARKS, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL PARK DEVELOPMENT on a parcel of land lying in the South 360.84 feet of Tract 13, Block 7 and the North 60 feet of Tract 24, Block 7, in Section 32, Township 43, Range 42, less the East 66 feet thereof, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 and 46, located on the west side of Benoist Farms Road, approximately .3 mile south of Belvedere Road, in an IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Frontage dimensions for all parcels.
 - b. Limited access easement along the north and west property line.
2. Prior to Site Plan Review Committee, the petitioner

shall delete the following references from the site plan:

- a. "Note: Individual lot site plans are for conceptional planning purposes only. Property development regulations will be enforced at time of Site Plan Review Committee **submittal.**"
3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that 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.
4. If required by the County Engineer **or** the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous **or** undesirable waste from the proposed site.
5. Within **120** days **of** approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Benoist Farms Road, **80** feet west of the west ultimate right-of-way of the Lake Worth Drainage District **E-2** Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. To establish this location the petitioner shall prepare a survey acceptable to the Lake Worth Drainage District and Palm Beach County Engineering Department **from** Belvedere Road to Southern Boulevard showing the Lake Worth Drainage District **E-2** Canal relative to Benoist Farms Road.
6. The property owner shall construct a left turn lane south approach and a right turn lane north approach on Benoist Farms Road at the project's entrance road concurrent with onsite paving and drainage improvements.
7. 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 \$8,942.00 (317 trips X \$26.79 per trip).

8. The petitioner shall convey to the Lake Worth Drainage District required property from Tracts 13 and 24 Block 7 which will be needed for the required right-of-way for Equalizing Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District within one hundred and twenty (120) days of the approval of the Resolution approving this project,
9. This project shall be limited to 88,150 gross square feet of general industrial land uses.
10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. No off-premise signs shall be permitted on the site.
14. 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 violations of the Palm Beach County Zoning Code.

Commissioner Marcus 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:

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

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 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

