

RESOLUTION NO. R-89-598

RESOLUTION APPROVING ZONING PETITION NO. 85-55(A)  
SPECIAL EXCEPTION PETITION OF ERNEST AND DOROTHY MERRITT

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. 85-55(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 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. 85-55(A) the petition of ERNEST AND DOROTHY MERRITT, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-55 ON MAY 23, 1985 (RESOLUTION NO. R-85-1095), TO 1) INCREASE THE LAND AREA BY APPROXIMATELY 9.4 ACRES, 2) INCREASE THE BUILDING SQUARE FOOTAGE, AND 3) REDESIGN THE SITE on a parcel of land lying in Tracts 3 and 10, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3, in Section 32, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 - 54, inclusive: LESS, HOWEVER, the North 70.00 feet thereof. SUBJECT TO an easement for ingress and egress over the East 25.00 feet thereof, on the southeast corner of the intersection of Belvedere Road and 85th Avenue North, bounded on the south by Fairgrounds Road and on the east by Johnson Lane, in an IL-Light Industrial Zoning

District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all conditions of previous approval unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Required 25 foot landscape strips
  - b. Removal of trees that are proposed in the 20 foot lake maintenance easement
  - c. Tabular data to indicate the correct amount of required shade trees
  - d. Relocation of the parking stalls that are located between the two, one story, 42,600 square foot buildings or redesign them to meet code
  - e. Redesign the loading berths that serve the 42,600 square foot buildings. They shall be a minimum of twelve feet wide.
  - f. Required terminal islands
  - g. Required trees in terminal islands
  - h. Required physical separation separating the specialized vehicular use area from public access. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
  - i. Required hedge material along the south and western property lines
  - j. Required transfer of 10 percent of all specialized vehicular use areas to the perimeter of the lot
  - k. Corrected tabular information for building square footage and associated parking requirements (specifically the saw shed and maintenance shop).
3. Prior to site plan review committee the petitioner shall submit in duplicate, simultaneously with the application documentation substantiating the abandonment of a 25 foot unrecorded road easement (Johnson Lane) that is located along the eastern property line. If this is not abandoned the petitioner shall relocate the landscape strip and parking west of this easement unless the appropriate releases are secured.

4. Prior to site plan certification, the petitioner shall execute a Unity of Title covering the entire site. This unity shall be recorded and submitted in duplicate simultaneously with the application for Site Plan Review Committee approval.
5. Prior to site plan certification the petitioner shall submit a loading demand statement pursuant to Section 500.19B of the Zoning Code.
6. 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.
7. The developer 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 \$4,715.00 (176 trips X \$26.79 per trip).
8. No off-premise signs shall be permitted on the site.
9. 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.
10. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
11. Since water service is available to the property, a potable water well shall not be approved for use on said property.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 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

