

RESOLUTION NO. R-89-600

RESOLUTION APPROVING ZONING PETITION NO. 87-128
SPECIAL EXCEPTION PETITION OF KENNETH G. AND CAROL A. PARENT

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. 87-128 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. 87-128 the petition of KENNETH G. AND CAROL A. PARENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL PARK DEVELOPMENT on a parcel of land lying in Lot 21, Okeechobee Garden Estates, in Section 24, Township 43 South, Range 42 East, located on the east side of Spafford Avenue, approximately .1 mile north of Okeechobee Boulevard (S.R. 704), in an IL-Light Industrial Zoning

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

1. Prior to certification, the petitioner shall present documentation verifying the location of the building prior to **1973** or seek relief from the required **40** foot front setback from the Board of Adjustment.
2. Prior to site plan certification the petitioner shall submit release documents for planting in the easement long the eastern property line or locate the five **(5)** foot required landscape strip 3 feet to the west.
3. Petitioner shall preserve the 36" ficus tree located near the western property line as indicated on exhibit **20**.
4. **No** outside storage of disassembled vehicles or parts or contractors* supplies shall be permitted on site.
5. **No** stock loading or dumpster pickup will be permitted between the hours **of 9:00** p.m. and **7:00** a.m.
6. **No** off-premises signs shall be permitted on site.
7. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles or equipment is to be allowed in landscaped areas, rights-of-way or interior driveways.
8. Use **of** the site shall be limited to the use of a contractors warehouse and office.
9. 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.

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 shall be separate from those areas which may contain hazardous or undesirable waster from the proposed site.

10. The property owner shall construct Spafford Avenue as a local road minimum 2-10 foot travel lanes from the existing paved terminus north of Okeechobee Boulevard north to the project's north property line concurrent with onsite paving and drainage improvements.
11. 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 \$509.00 (19 trips X \$26.79 per trip).
12. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No further building permits shall be issued until construction has commenced for Okeechobee Boulevard as a 6-laned from Military Trail to Palm Beach Lakes Boulevard plus the appropriate paved tapers.
13. Prior to the issuance of a certificate of **occupancy**, the petitioner shall bring the residential structure in conformance with the appropriate building standards for the proposed use.
14. Prior to obtaining an occupational license the petitioner shall obtain all of the necessary **permits** and approvals to bring the existing residential structure on site in to conformance with the applicable building codes.
15. 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.
16. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
17. Since water service is available to the property, a potable water well shall not be approved for use on the property.

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	--	Aye
Karen T. Marcus	--	Aye
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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Barbara Altman
COUNTY ATTORNEY

BY:

Jina M. Blair
DEPUTY CLERK

