

RESOLUTION NO. R-89-1049

RESOLUTION APPROVING ZONING PETITION NO. 88-116
SPECIAL EXCEPTION PETITION OF ELECTRICAL ASSOCIATION, INC.

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. 88-116 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 88-116 the petition of ELECTRICAL ASSOCIATION, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL PARK DEVELOPMENT on a parcel of land lying on the Easterly 660 feet of the Southerly 330 feet of Tract 11, Block 7, Palm Beach Company Plat No. 3 in Section 32, Township 43 South, Range 42 East, Plat Book 2, Pages 45-54.

Together with:

Perpetual easement right over the East 25 feet of Tract 10 and 3 adjoining said Tract 11, for the purpose of egress and ingress, being located on the north side of Fairgrounds Road, approximately 330 feet east of Johnson Lane, 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. Label the area in the northeastern and southwestern portions of the site as sod or pavement.
2. The petitioner shall clearly indicate the required perimeter landscape buffer along the entire site boundaries.
3. The existing sabal and queen palms shall be preserved and incorporated into the design or relocated to the perimeter buffers. The mature ficus trees shall be preserved unless determined by the Land Development Division that they may interfere with the proposed infrastructure and lake maintenance easement.
4. No off-premises signs shall be permitted on-site.
5. The site shall be landscaped, at a minimum, as shown on Exhibit Number 19.
6. The petitioner shall execute a Unity of Control on the five (5) acre parcel. The unity shall be submitted simultaneously with submittal to the Site Plan Review committee and shall be subject to approval by the County Attorney.
7. 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.
 - a. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The developer shall provide discharge control and treatment for 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~~ the stormwater runoff generated by a three (3) year-one (1) hour ~~storm~~ with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of

Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

11. 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.
12. In addition the petitioner shall contribute the amount of \$291.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$291.00 shall be paid prior to the issuance of the first Building Permit.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$289.00 shall be credited toward the increased Fair Share Fee.
14. The property owner shall convey for the ultimate right-of-way of Leeland Way, a total of 80 feet on an alignment approved by the County Engineer within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur, include "Safe Sight Corners".
15. 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 \$5,813.00 (217 trips X \$26.79 per trip).
16. Prior to the issuance of a Building Permit the property owner shall have paved access to the site from Belvedere Road and the following turn lanes shall be constructed at Belvedere Road and Leeland Way:
 - a) left turn lane, east approach:
 - b) right turn lane, west approach: and
 - c) left turn lane, south approach.
17. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

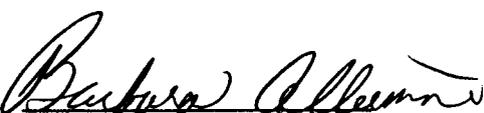
- a) No more than 39,560 square feet of gross leasable floor area shall be issued for the entire planned industrial development.
18. The property owner shall revise the Master Plan to reflect either:
- a. Abandonment of Fairground Road; or,
 - b. Reservation of an additional fifteen (15) feet of right-of-way for Fairgrounds Road which shall be dedicated to the public within one (1) year of special exception approval if Fairgrounds Road right-of-way cannot be abandoned.
19. Failure to comply with any conditions of approval 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. Appeal: 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.

Commissioner Elmquist 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 | -- | Aye |
| Carol J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Dorothy Wilken | -- | Absent |
| James Watt | -- | Absent |

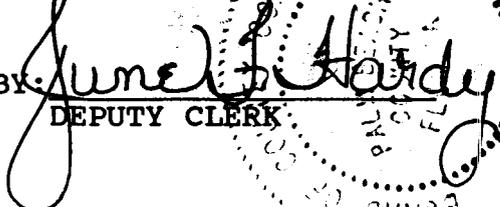
The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

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

