

RESOLUTION NO. R-90-579

RESOLUTION APPROVING ZONING PETITION NO. 89-107
SPECIAL EXCEPTION PETITION OF
THE BOARD OF COUNTY COMMISSIONERS
BY DENNIS P. KOEHLER, AGENT

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 have been satisfied; and

WHEREAS, Petition No. 89-107 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-107, the petition of the BOARD OF COUNTY COMMISSIONERS, BY DENNIS P. KOEHLER, AGENT, for a SPECIAL EXCEPTION TO PERMIT ASPHALT AND CONCRETE MIXING AND PRODUCT MANUFACTURING on a parcel of land lying in Tract 19, Block 6, of Palm Beach Farms Company's Plat No. 3. Less, however, the South 610.00 feet of the West 375.00 feet thereof, recorded in Plat Book 2, Page 45 lying in Section 27, Township 42 South, Range 42 East.

Together with the improvements located thereon and together with the **bridge from** Benoist Farms Road to the above described portion of Tract 19, being located on the East side of Benoist Farms Road, approximately .21 mile North of Southern Boulevard in a IG-General Industrial Zoning District, was approved on October 26, 1989 as advertised, subject to the following conditions:

1. **Prior to Site** Plan Review Committee **approval**, the site **plan** shall be revised **to** reflect:
 - a. Minimum Landscape Code requirements (Section 500.35) - 159 trees.
 - b. Deletion of all references to trailers as proposed structures.
2. The landscape strip along Benoist Farms **Road** shall be upgraded to include a forty-two (42) inch tall continuous hedge and twelve (12) feet tall native canopy trees, planted twenty (20) feet on center.
3. **Onsite** water wells shall be designed to South Florida Water Management District standards. Environmental Resource Management approval shall be required in order to determine the impact of withdrawal on any potential **offsite** contaminated source.
4. The vehicle **washdown** area shall be constructed with impervious material and **bermed**. Wastewater shall be considered industrial waste, with appropriate treatment and disposal per state requirements. An **onsite** water monitoring program shall be required, if determined to be necessary by the Department of Environmental Resource Management.
5. Sewer service is available to the property. Therefore, no portion of this project shall be permitted on a septic tank system.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. The petitioner 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.
8. The **pet**itioner 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.
9. No construction or landscaping satisfying the minimum Zoning code requirements shall be permitted in the Lake Worth Drainage District Canal.

10. 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.
11. Property owner shall construct left turn lane, north **approach**, on Benoist Farms Road concurrent with on site paving and drainage improvements for Phase II.
12. If water and sewer service are not able to be provided by Palm Beach County Utilities, **Community Asphalt** will extend and install at their own cost all sewer and water lines required under the conditions of approval.
13. The generation and disposal of hazardous effluents into sanitary sewage shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and agency responsible for sewage units are constructed and used by project tenants or owners generating such effluents.
14. Primary access for Phase II of this facility shall be from Benoist Farms Road.
15. 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. 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.

Commissioner Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	ABSENT
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Pauline Altman*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK