

RESOLUTION NO. R-84-1284

RESOLUTION APPROVING ZONING PETITION 76-171(A), Special Exception

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. 76-171(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June 1984; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal is consistent with the requirements of the Comprehensive Plan.
2. With variance relief or abandonment of the 20 foot . access easement, the proposal will be consistent with Zoning Code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of June 1984, the petition of CROCKER AND COMPANY By William R. Boose, III, Attorney, for the SPECIAL EXCEPTION TO AMEND AND EXPAND AN EXISTING PLANNED OFFICE - BUSINESS PARK, FUNERAL HOME AND CREMATORY PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-171 on Tracts 1 and 2, Replat of Parcel B "Arvida Business Plaza", according to the plat thereof, as recorded in Plat Book 36, Page 81, together with:

A portion of Section 23, Township 47 South, Range 42 East, being more particularly described as follows:

Beginning at the Northwest corner of said Tract 1, Replat Of Parcel B "Arvida Business Plaza"; thence North 89 degrees 30'16"

East, along the North line of Tracts 1, 2, and 3 of said Replat of Parcel B "Arvida Business Plaza", a distance of 1123.50 feet to a point on the **arc** of a circular curve to the left, whose radius bears North **65°10'46"** West from the last described point; thence Easterly and Northerly, along the arc of said curve, having a radius of 320.85 feet, an arc distance of 63.80 feet; thence South **89°30'16"** West, along a line parallel with, and 75.00 feet South of, as measured at right angles to, the North line of said Section 23, said line also being parallel with, and 60.00 feet North of, as measured at right angles to, the North line of said Tracts 1, 2, and 3, a distance of 1144.79 feet; thence South **00°23'59"** East, a distance of 60.00 feet to the Point of Beginning. Said property located on the East side of Butts Road (S.R. 808) being bounded on the north by Lake Worth Drainage District Canal L-46, was approved as advertised subject to the following conditions:

1. Prior to certification of the Master Site Plan by the Site Plan Review Committee:
 - a.) The master plan shall be amended to reflect the 10' safe corner provisions of Ordinance 73-1 (Landscape Code).
 - b.) The Petitioner shall seek variance relief from the Board of Adjustment on side corner setbacks or file for abandonment of the internal 20' access easement.
2. The Petitioner shall comply with all previously imposed conditions, as per Resolution No. R-76-1169.
3. The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
4. The Developer shall contribute \$18,563.00 toward the cost of meeting this project's direct and identifiable impact, and in addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$25,437.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds shall be deposited with Palm Beach County within six (6) months of the approval date by the Board of County Commissioners, or prior to the issuance of a Building Permit, whichever shall first occur. Should the amount assessed under the Impact Fee Ordinance be raised prior to the issuance of a Building Permit for this project, this amount shall be credited toward **the** increased Fair Share Fee,
5. The developer shall construct concurrent with **onsite** paving and drainage improvements, pursuant to a paving and drainage permit issued from the office of the County Engineer:
 - a.) Signalization at the intersection of Military Trail and Town Center Road, when warranted, as determined by the County Engineer.
 - b.) Left turn lane, west approach, on Town Center Road at the project's entrance road.

6. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

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

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| KENNETH G. SPILLIAS | -- ABSENT |
| DOROTHY H. WILKEN | -- NAY |
| PEGGY EVATT | -- AYE |
| DENNIS KOEHLER | -- AYE |
| BILL BAILEY | -- ABSENT |

The foregoing resolution was declared duly passed and adopted this 11th day of September, 1984, confirming action of 28th June 1984.

PALM BEACH COUNTY, FLORIDA BY ITS BOARD
OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By Charles Leno Harris
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles Leno Harris
County Attorney