

RESOLUTION NO. R-84-1294

RESOLUTION APPROVING ZONING PETITION NO. 84-67, 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 73-2, have been satisfied; and

WHEREAS, Petition No. 84-67 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 and the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of June, 1984, that the petition of TODD W. AND BETSY W. HILLMAN, By Linda Rizzo, Agent, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE-WAREHOUSE COMBINATION on Lots 339, 340, 341, 342, and 343 inclusive, in Section 24, Township 44 South, Range 42 East, as recorded in Plat Book 3, Pages 44 and 45. Excepting therefrom the East 3.0 feet of said lots for additional right of way for Military Trail (S.R. 809), together with the East 10 feet of that portion of an abandoned 20 foot service road lying West of and adjacent to said lots. Said property located on the northwest corner of the intersection of Military Trail (S.R. 809) and Cambridge Street in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to certification of the site plan by the Site Plan Review Committee, the site plan shall be amended to reflect the required front and rear setbacks, or variance relief shall be obtained from the Board

of Adjustment addressing the setback encroachments.

2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

3. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

4. The property owner shall convey for the ultimate right of way of Military Trail (S.R. 809), 60 feet from centerline within ninety (90) days of Special Exception approval. Conveyance must be accepted by Palm Beach County prior to the issuance of the first Building Permit. This ultimate right of way is required for the relocation of utility poles along Military Trail.

5. The developer shall construct concurrent with on-site paving and drainage improvements, pursuant to a paving and drainage permit issued from the office of the County Engineer, Cambridge Street from Military Trail to the project's west property line.

6. 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 may from time to time be amended. Presently the Fair Share Fee for this project is \$1,188.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this amount shall be credited toward the increased Fair Share Fee.

7. The developer shall be limited to a maximum of 1,366 square feet of commercial area.

8. 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.

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

Commissioner Bailey 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:

KEN SPILLIAS, CHAIRMAN	-- ABSENT
DOROTHY H. WILKEN, VICE-CHAIRMAN	-- AYE
PEGGY B. EVATT	-- AYE
DENNIS P. KOEHLER	-- AYE
BILL BAILEY	-- AYE

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

B.W. Carl  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Charlene Harris  
DEPUTY CLERK