

RESOLUTION NO= R-84-1847

RESOLUTION APPROVING ZONING PETITION 84-77, Special Exception

WHEREAS, the Boaxd 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 4Q2.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-77 was presented to the Boaxd of County Commissioners of Palm Beach County at its public hearing conducted on the 30 th July 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 proposed Special Exception for a Planned Commercial Development is consistent with the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th July 1984, that Petition No. 84-77, the petition of JOHN E. MORRIS AND RHEAL MANVILLE, fox a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the West 100 feet of the East 260 feet of the North 444.5 feet of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 3, Township 41 South, Range 42 East; less and except the right-of-way of Indiantown Road (State Road No. 706), as recorded in Official Record Book 3867, Page 0168. Said property located on the south side of Indiantown Road approximately 150 feet west of Central Boulevard was appioved as advertised **subject** to the following conditions:

1. All mechanical and air conditioning equipment shall be roof-mounted and screened.
2. Security lighting shall he directed away from nearby residences.

3. No stock loading or dumpster pickup will be permitted **between the** hours of 8:00 P.M. and 8:00 A.M.

4. The west facade of the building shall **be** given an architectural **treatment** consistent with the front (east) side of the building.

5. Prior to Site Plan Review Committee Meeting certification, the site **plan shall be amended** to reflect the following:

a. **One** (1) loading bay 12 ' x 20 '

b. Either a ten (10) foot wide seventy-five (75) percent opaque landscape buffer or a five (5) foot wide landscape strip with attendant six (6) foot high wall adjacent to abutting residential districts.

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

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

8. The development shall **retain** onsite **85%** of the stormwater runoff generated **by** a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.

9. The property owner shall convey for the ultimate right-of-way of Indian town Road, **80** feet from centerline, approximately an additional 10 feet within 90 days of adoption of **the resolution** of approval by **the Board of County Commissioners**; conveyance must be accepted by Palm Beach **County** prior to issuance of the first building permit.

10. 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 as it may from time to time be amended.

Presently the fair share fee for this project is \$10,988. In addition, based **upon the amount** of traffic generated by this development, the developer has agreed to contribute an additional \$4,837 towards Palm Beach **County's** existing Roadway Improvement Program to **be paid** within **12 months** of the adoption of the resolution **by th** Board of **County Commissioners**.

If the Fair Share Contribution for Road Improvements Ordinance is amended to **increase** the fair shark fee, this additional amount shall be credited towards the increased fair share fee.

11. 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** at the projects **entrance** road and Indiantown Road:

a) Left **turn lane**, east approach.

b) Right **turn lane**, west approach.

12. This project shall **be** limited to a maximum of 8,500 square feet of retail space, of **the total** floor area of 18,013 **square** feet.

13. The petitioner shall **execute a cross-access agreement**, **subject** to the approval of the County Engineer, with the property owner on the east of this site, **from** Central Boulevard.

14. There shall **be** no median opening on Indiantown Road.

Commissioner Bailey , moved for approval of the

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

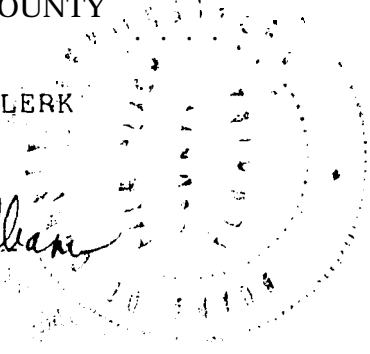
Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- NAY
Peggy Eva tt, Member	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this day of **DEC 11 1984** confirming action of the 30th July 1984.

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

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stacy Sprague
County Attorney