

RESOLUTION NO. R-84-1851

RESOLUTION APPROVING ZONING PETITION 84-100, 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. 84-100 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th of 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 proposal is consistent with the requirements of the Comprehensive Plan.
2. With variance relief or minor site modifications, 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 30th of July, 1984, the petition of LATHYRUS N.V. By Sally S. Benson, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on that certain piece, parcel or tract of land situate, lying and being in the City of Lake Worth, being more particularly described as follows:

The South 400 feet of Tract 51, Swan's Subdivision of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66, excepting therefrom the Westerly 15 feet thereof:

And further excepting therefrom the following 3 parcels:

The West 17 feet of the East 35 feet of the South 400 feet of Tract

51 of Swan's Subdivision of Section 19, Township 44 South, Range 43 East, according to the plat thereof as recorded in Plat Book 6, at Page 66 and the West 10.06 feet of the East 45.06 feet of the South 15 feet of said Tract 51 of Swan's Subdivision of Section 19; and that part of said Tract 51 of Swan's Subdivision of Section 19 which is included in the external area of a 10-foot radius arc which is tangent to a line 50 feet West of parallel to the East line of said Section 19 and which is tangent to a line 15 feet North of and parallel to the South line of said Tract 51. Said property located on the northwest corner of the intersection of Congress Avenue and 2nd. Avenue North was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or near-by surface waters.
3. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fiber-reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.
4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour year storm per requirements of the Permit Section, Land Development Division.
5. The property owner shall convey for.. the ultimate right of way of:
 - a) 2nd Avenue North, 40 feet from centerline
 - b) Congress Avenue, 60 feet from centerline

All within 90 days of adoption of the resolution by the Board of County Commissioners and conveyances must be accepted by Palm Beach County prior to issuance of first building permit. Note: The ultimate right of way for Congress Avenue is required for the relocation of utility poles.

6. 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) Left turn lane, west approach on Second Avenue at the project's entrance road.
 - b) Right turn lane, east approach on Second Avenue North at the project's entrance road.
7. 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 from time to time may be amended.

Presently the fair share fee for this project is \$1.25 per square foot. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this amount shall be credited towards the increased fair share fee.

8. No use shall be made of the property generating in excess of 2636 average daily trips.

9. Any toxic or hazardous wastes generated on the site shall be disposed of in accordance with the applicable laws.

10. Canopy trees 10 to 12 feet overall in height shall be located where trees are shown on the site plan presented at the Board of County Commissioner's public hearing.

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

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

The foregoing resolution was declared duly passed and adopted this day of DEC. 1 1984, confirming action of the 30th of 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

Sandy Sprague
County Attorney