

RESOLUTION NO. R-85-38

RESOLUTION APPROVING ZONING PETITION 84-123, 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. 84-123 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2⁴th of August 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 Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2⁴th of August 1984, that Petition No. 84-123 the petition of L. ROGER HARDEN AND KENNETH D. BASS By David Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE WAREHOUSE COMBINATION on that portion of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 42 South, Range 43 East, lying between the Florida East Coast Railroad Right-of-way on the East and a County Road, 40 feet wide, (Old Dixie Highway) on the West. Less a strip of land 66 feet wide for Richard Road. Said property located on the southeast corner of the intersection of Richard Road and Old Dixie Highway, being bounded on the east by Florida East Coast Railroad Right-of-way in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Placement of trees in landscape strips shall be as shown on the submitted site plan. These shall be canopy trees of a minimum 10-12 feet in overall height. Hedge materials along the Old Dixie Highway frontage shall be a minimum of 36" in height and of 75% opaqueness.
2. 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.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.
5. The property owner shall convey for the ultimate right-of-way of Old Dixie Highway, 30 feet from the centerline, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
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 as it may from time to time be amended. Presently the Fair Share Fee for this project is \$2663.00.

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.

Commissioner Koehler, moved for approval of the petition. The motion was seconded by Commissioner Wilkens, 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	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 24th of August 1984.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Marlene Harper
 Deputy Clerk



APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

Sandy Sprague
 County Attorney