

RESOLUTION NO. R-85-250

RESOLUTION APPROVING ZONING PETITION **84-96**, 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. **84-96** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September **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. The proposal, with minor site plan modifications, will be consistent with the 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 27th of September **1984**, that Petition No. **84796** the petition of HOWARD AND ROZANN S. SMITH By George G. Gentile, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land with **300** feet of frontage on the West side of State Road No. **5** and with approximately **500** feet of depth, being more particularly described as follows:

That part of the North **300** feet of the South **1/2** of the Northwest **1/4** of Section **28**, Township **41** South, Range **43** East, which is bounded on the East by the West right-of-way line State Road No. **5** (see Road Plat Book **2**, Pages **433** thru **56**, inclusive) and bounded on the West by

a line parallel with and 500 feet Westerly of said West right-of-way line of State Road No. 5. Said property located on the west side of U.S. Highway No. 1 (S.R. No. 5) approximately .2 mile south of Donald Ross Road was approved as advertised subject to the following conditions :

1. Prior to certification of the site plan by Site Plan Review Committee, the plan shall be amended to reflect the required minimum stacking requirements.
2. There shall be no development or structures in the mangrove area at the rear of the property.
3. Enclosed loading areas shall be separated from any nearby residential areas by ten foot high wing walls.
4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
5. The rear facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
6. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m..
7. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center .
8. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
9. Security lighting shall be directed away from nearby residences.
10. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
11. 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.
12. The property owner shall convey for the ultimate right of way of U. S. 1, 60 feet from 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 .
13. 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 from the south approach at the project's entrance(s) .
14. 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.
15. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

16. 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 \$1.25 per square foot.

17. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

18. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

19. The petitioner shall install landscaping as shown on the submitted Site Plan.

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

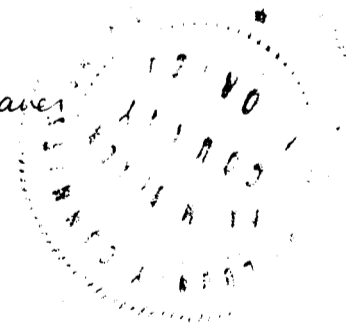
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	ABSENT
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **FEB 19 1985** confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Patricia S. Weaver*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney