

RESOLUTION NO. R-85-317

RESOLUTION APPROVING ZONING PETITION 84-155, 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. 84-155 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29<sup>th</sup> of November 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 of the Comprehensive Plan and Zoning Code requirements, provided that special conditions are imposed on the commercial service activities included in the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29<sup>th</sup> of November 1984, that Petition No. 84-155 the petition of RICHARD L. & ELEANOR SEGUIN By Beril Kruger, Agent for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL SALES AND SERVICE ENTERPRISE on Lots 18-31, inclusive, Block 1, and all of Block 2, (less the West 13.43 feet thereof) Atlantic Park, in Section 19, Township 46 South, Range 42 East, as recorded in Plat Book 14, Page 1. Said property located on the Southwest corner of the intersection of Delray West Road and 1st Street, being bounded on the west by 3rd Street in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification legal abandonment of 2nd Street,

which runs North - South through the site, shall be obtained.

2. Prior to Site Plan Certification variance relief must be obtained by the Board of Adjustment or the plan shall be amended to reflect the following:

- a). Building size reduced to accommodate the maximum 10 % lot coverage requirement.
- b). The required 100' front, 50' side interior and 100' rear setbacks.
- c). Landscaping outside of the ultimate right-of-way of One Mile Road.
- d). The 5' landscape strip with trees planted 40' on center and a continuous 18" hedge along the Public Rights-of-way to the North, East and West.
- e). The 2 1/2' landscape strip along the side interior property line where on-site access abutts adjoining property.

3. 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.

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

5. Any fuel or chemical storage tanks shall be installed, 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.

6. 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.

7. Petitioner shall execute and deliver to the Lake Worth Drainage District, a properly drafted and recorded legal document creating an easement over the North 25 feet of Lots 21 through 28 inclusive, Block 1, and Lots 21 through 28 inclusive, Block 22, according to the plat of Atlantic Park as recorded in P. B. 14, Page 1, for the right-of-way for Lateral Canal No. 34.

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 Lyons Road, 64 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 .

10. 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, before construction of the three southerly buildings, a Left Turn Lane, East approach, on Delray West Road at Lyons Road.

11. 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 \$1,050.00.

12. Seventy percent (70%) of all the welding activities conducted on

. the premises shall be performed on agriculturally-related equipment.

13. All signage and all advertising of activities performed on the site shall include the word "agricultural".

14. Use of this site shall be restricted to this petitioner's own business activities; no space shall be leased to other users for other business activities. Leasing of space for storage of farm vehicles and equipment shall be permitted.

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

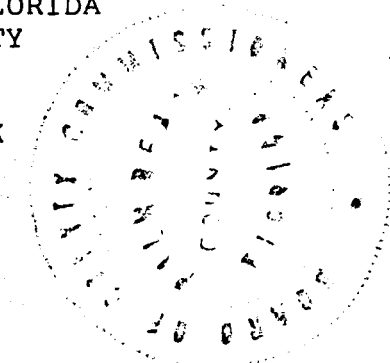
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 29th of November 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