

RESOLUTION NO. R-85-319

RESOLUTION APPROVING ZONING PETITION 84-163, 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. 84-163 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29 th 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 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 29 th of November 1984, that Petition No. 84-163 the petition of ARCADIA PROPERTIES, INC., By Kieran J. Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK on the West 150.04 feet of the East 203.04 feet of the South 548.68 feet of the Southeast 1/4 of the Northeast 1/4; Less the South 15.0 feet thereof; together with:

The West 150.04 feet of the East 203.04 feet of the North 732.31 feet of the Southeast 1/4 of the Northeast 1/4; all lying and being in Section 2, Township 46 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809) approximately 1.3 miles south of Boynton Beach Boulevard was approved as advertised subject to the following conditions:

APR 21 2004

84-163A

1. The six-foot wall shown on the site plan, along the westerly property lines, shall be required.
2. No dumpster pickup will be permitted between the hours of 7:00 P.M. and 8:00 A.M..
3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within an enclosed service area.
4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the office structures.
5. No parking of any vehicles shall be permitted along the rear of the office structures except in designated spaces or unloading areas.
6. Security lighting shall be directed away from nearby residential uses.
7. 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.
8. 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.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
10. 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.
11. The property owner shall convey for the ultimate right of way of:
 - A) Military Trail, 60 feet from centerline, approximately an additional 7 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners.
 - B) Steiner Road, 40 feet from centerline. Conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.
12. 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) Steiner Road from Military Trail to the project's west property line.
 - B) Left Turn Lane, South approach, on Military Trail at both Steiner Road and both project's entrance roads.
 - C) Right Turn Lane, North approach, on Military Trail at both Steiner Road and North project's entrance road.
13. 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 \$52,625.00.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$52,625.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds to be paid within 4 months of approval date by the Board of County Commissioners.

15. This project shall be limited to the following phasing plan in order to meet the mandatory Traffic Performance Standards:

A) There shall be no more than 16,852 square feet of gross building area until Military Trail has been constructed as a 4-lane median divided section from Steiner Road to Golf Road.

B) There shall be no more than 23,109 square feet of gross building area until Military Trail has been constructed as a 4-lane median divided section from Steiner Road to Lake Ida Road.

16. The petitioner shall convey to the Lake Worth Drainage District the south five (5) feet of the subject property for the required right-of-way for Lateral Canal No. 45, by quit claim deed or an easement deed in the form provided by said District, within 90 days of adoption of the resolution by the Board of County Commissioners.

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 29st 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

Landy Sprague
County Attorney