

RESOLUTION NO. R-85-333

RESOLUTION APPROVING ZONING PETITION **84-187**, 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. **84-187** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the **29th** 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. With phasing conditions and minor modification to the site plan, 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 **29th** of November **1984**, that Petition No. **84-187** the petition of WESTLAND REALTY By Alan Ciklin, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a portion of the West **1/2** of Tract **24**, Block 1 of the Palm Beach Farms Company Plat No. **9**, in Section **28**, Township 43 South, Range **42** East, as recorded in Plat Book 5, Page **58**, being more particularly described as follows:

Commence at the Southwest corner of Tract **24**, thence Northerly along the Westerly boundary of said Tract **24**, a distance of **482.62** feet to the Point of Beginning; thence continuing Northerly along said Westerly boundary of Tract **24**, a distance of **450.00** feet to the

Southerly right-of-way line of The Lake Worth Drainage District Canal No. L-1, as now established and in use; thence Easterly along the said Southerly right-of-way line of said Canal No. L-1, a distance of **330.34** feet to the Easterly boundary of the West 1/2 of Tract **24**; thence Southerly along the Easterly boundary of said West 1/2 of Tract **24**, a distance of **450.00** feet; thence Westerly, parallel with the Southerly right-of-way line of said Canal No. L-1, a distance of **330.34** feet to the Westerly boundary of said Tract **24** and the Point of Beginning. Said property located on the south side of Okeechobee Boulevard (S.R.704), approximately .1 mile east of Skees Road was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee, the site plan shall be modified to include the required by-pass lane for drive-up units (Section 500.17 L.C.) .
2. 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.
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 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.
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. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
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 developer shall construct, concurrent with the 4 laning of Okeechobee Road by Petition 84-130, a Left Turn Lane, East approach and a Right Turn Lane, West approach. This Developer shall also be responsible for any change order associated with this construction.
10. 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 **\$35,463.00**.

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.

11. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$35,463.00 toward Palm Beach County's existing Roadway Improvement Program. This sum is to be paid within 18 months of approval date by the Board of County Commissioners, or at the time the first building permit is issued, whichever shall first occur.

12. 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 8,000 square feet of gross retail building area until Okeechobee Boulevard has been constructed as a 4-lane median divided section from the Florida Turnpike to Golden Lakes Boulevard .

13. Within sixty (60) days of approval by the Board of County Commissioners, the developer shall convey to the Lake Worth Drainage District the North 41 feet of the subject property for the required right-of-way for the Lateral Canal No. 1, by quit claim deed or an easement deed in the form provided by said district. In the alternative, the developer may seek a permit to pipe the Lateral Canal No. 1, thereby reducing the required right-of-way to be so conveyed .

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:

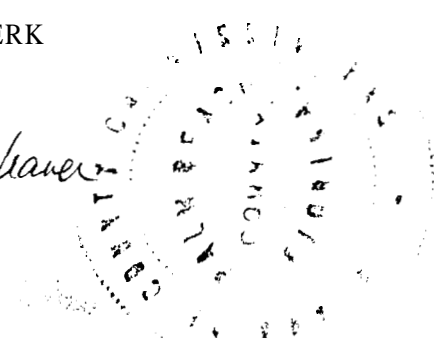
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

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 A. Weaver  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Spryner  
County Attorney