

RESOLUTION NO. R-85-570

RESOLUTION APPROVING ZONING PETITION 84-159, 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. 84-159 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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, with variance relief and/or modifications to the site plan, will be consistent with zoning code and Comprehensive Plan requirements.
2. Additional buffering and landscaping requirements must be imposed to reduce deleterious effects on surrounding residential properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 4th of January 1985, that Petition No. 84-159 the petition of NYDAL DEVELOPMENT, INC. AND PAUL S. COWAN, FRANK AND FLORINE WEATHERBY By Jean Peterson, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the North 1/4 of the Northeast 1/4 of the Southeast 1/4, East of the Florida Inland Navigation District Canal in Section 5, Township 42 South, Range 43 East, the south 150 feet and the Easterly 192.75 feet thereof. Subject to the Right-of-way of the Intracoastal Waterway as Established in Plat Book 17, page 29. Subject to the Right-of-way

for P.G.A. Boulevard (S.R. No. 74) as shown on the Right-of-Way map as recorded in Road Plat Book 5, page 190, together with West 100 feet of East 140 feet of North 100 feet of South 150 feet of North 1/4 of Northeast 1/4 of Southeast 1/4 lying east of Find Canal, Section 5, Township 42 South, Range 43 East. Subject to road easement over the Southern 15 feet for Shady Lane, together with a parcel of land in the North 1/4 of the Northeast 1/4 of the Southeast 1/4 East of the Florida Inland Navigation District Canal in Section 5, Township 42 South, Range 43 East, Less the South 150 feet thereof. Said property lying 187.13 feet on Ellison-Wilson Road, and being more particularly described as that part of the Easterly 192.75 feet of said parcel lying West of Ellison-Wilson road and South of P.G.A. Boulevard. Said property is located on the southwest corner of the intersection of PGA Boulevard and Ellison - Wilson Road, being bounded on the west by the Intracoastal Waterway and on the south by Shady Lane was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee,
 - a) variance relief shall be obtained from the Board of Adjustment with respect to the front setback requirements, or the site plan shall be amended to reflect the required setbacks.
 - b) the site plan shall be amended to reflect the correct directional flow of traffic from the garage to the easement.
 - c) the required masonry wall shall be stuccoed and painted on the exterior side (facing adjacent residentially zoned property). This exterior wall face shall be maintained in good condition at all times. The wall shall be relocated on the site plan so that there is sufficient space between the wall and property to permit maintenance activity without requiring access onto neighboring properties.
 - d) the landscape strips shown on the site plan along the required wall (interior side), shall include canopy trees 8' to 10' in overall height planted 20' feet on center.
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, i.e., the large Banyan in the southern quarter of the site.
3. 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.

4. The property owner shall convey for the ultimate right of way of:

- (A) PGA Boulevard, 60 feet from centerline,
- (B) Ellison Wilson Road, 40 feet from centerline,

all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

5. 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, South approach on Ellison Wilson Road at the project's entrance road.

6. The Developer shall be permitted only one turnout onto Ellison Wilson Road per the County Engineer's approval.

7. 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 \$14,313.00.

8. All outdoor lighting shall be directed away from adjacent residential uses.

9. The dumpster shall be placed along the northern portion of the site, away from adjacent residential uses.

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

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

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Polym*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spitzer
County Attorney