

RESOLUTION NO. R-85-706

RESOLUTION APPROVING ZONING PETITION 78-280(A), 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. 78-280(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 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. This 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 28th of February 1985, that Petition No. 78-280 (A) the petition of DEVELCO EQUITY MANAGEMENT, INC., By R. William Clayton, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED OFFICE BUSINESS PARK, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-280 on the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, Less the Right-of-way for West Atlantic Avenue (State Road No. 806) as shown in road Plat Book 3, on Page 27. Said property located on the south side of Atlantic Avenue (S.R. 806), approximately 200 feet east of Whatley Road in an CS-Specialized Commercial District was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect significant specimens and preservation areas during site clearing and construction.

2. Prior to site plan certification the site plan shall be amended to reflect the following:

a) building siting, parking geometrics, and traffic channelization that reflects integration of existing significant vegetative patterns with design layout,

b) a six (6') foot C.B.S. wall to be constructed along the west and south property lines.

c) an updated data block reflecting accurate floor area, required and proposed interior landscaping for parking lots, and a revised parking space count,

d) a two and one half (2 1/2) foot landscape strip between on-site off-street parking areas and the property abutting to the east.

3. Outdoor lighting shall be directed away from abutting properties and rights-of-way.

4. Loading activities adjacent to areas zoned residential shall be limited to the hours of 8 A.M. to 8 P.M., Monday through Friday.

5. Access to indoor and outdoor refuse collection stations shall be such that the removal vehicle need not make unnecessary turning or backing movements.

6. 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.

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

8. The property owner shall convey for the ultimate right of way of West Atlantic Avenue, 60 feet from centerline approximately an additional 7 feet 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.

9. 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, Right Turn Lane, West Approach, on West Atlantic Avenue at each project's entrance road.

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.

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 \$3,485.00 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds to be paid within 6 months of the approval date by the Board of County Commissioners.

12. Prior to certification by Site Plan Review Committee, the site plan shall be amended to reflect:

- a) the limitation of the height of this structure to two stories.
- b) the limitation of the approved floor area to 52,080 square feet.

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

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

The foregoing resolution was declared duly passed and adopted this ~~MAY~~ **MAY - 7** 1985 confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney