

RESOLUTION NO. R-85-1092

RESOLUTION APPROVING ZONING PETITION 85-52, 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. 85-52 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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 23rd of May 1985, that Petition No. 85-52 the petition of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY By Peter Schneider, Agent for a SPECIAL EXCEPTION TO ALLOW A TELEPHONE SUBSTATION on a certain parcel in the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East, being more particularly described as follows:

Commencing at the Southwest corner of Section 18, Township 45 South, Range 43 East; run thence North 4 degrees 19'15" East along the West line of said Section 18, (the South line of said Section 18 is assumed to bear East-West and all bearings mentioned herein are relative thereto), a distance of 318.31 feet to the Point of Beginning of the herein described parcel; thence East parallel with

the South line of said Section 18, a distance of 158.09 feet; thence North 4 degrees 19'15" East and parallel with the West line of said Section 18, a distance of 99.88 feet more or less to a point in the North line of that certain parcel described in Official Record Book 369, Page 582, thence North 89 degrees 57'117" West along said North line, a distance of 158.09 feet to the West line of said Section 18; thence South 4 degrees 19'15" West along the West line of said Section 18, a distance of 100.00 feet more or less to the Point of Beginning. Less the right-of-way of Lawrence Road upon the West 33 feet thereof (as measured at right angles to the West line of Section 18). Said property located on the southeast corner of the intersection of Lawrence Road and Tucks Road 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 also be taken to protect these preservation areas during site clearing and construction.
2. 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.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. 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.
5. The property owner shall convey for the ultimate right-of-way of Lawrence Road, 40 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.
6. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

The foregoing resolution was declared duly passed and adopted this 23rd day of **July** confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Judy Sprague
County Attorney