

RESOLUTION NO. R-85-1223

RESOLUTION APPROVING ZONING PETITION 85-22, 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. 85-22 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 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. With minor site plan modifications, this proposal will be 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 27th of June 1985, that Petition No. 85-22 the petition of LAKE WORTH DEVELOPMENT CORPORATION By Paul Parker, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT beginning at the Southeast corner of Tract 67, of Swan's Subdivision of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66. For the Point of Beginning; thence run on an assured bearing of the North (all other bearings being relative thereto), along the East line of said Tract 67, to the Northeast corner of said Tract 67; Thence run South 61 degrees 48'45" West, along the North line of said Tract 67, a distance of 374.70 feet to a point on the North line of said Tract 67, thence run due South, parallel to the East line of Tract 67, to a point on the South line

of said Tract 67, which is 330.27 feet West of the Southeast corner of said Tract 67; thence run East along the South line of said Tract 67, a distance of 330.27 feet to the Point of Beginning; less the South 25 feet thereof for State Road 802 Right-of-way.

LESS THE FOLLOWING DESCRIBED PARCEL:

A parcel of land for road right-of-way purposes in Tract 67, Subdivision of Section 19, Township 44 South, Range 43 East as recorded in Plat Book 6, Page 65, and lying South of the proposed North Right-of-way line as shown as the right-of-way map of Lake Worth Road as recorded in Road Book 5, Pages 125 thru 135. And being a portion of the following described parcel:

Commencing at the Southeast corner of said Tract 67; thence Westerly along the South line of said Tract 67 a distance of 330.27 feet to a point on the boundary line between Tracts 59 and 60 said subdivision extended South thru said Tract 67; thence Northerly along said boundary a distance of 149.09 feet; thence Easterly a distance of 330.05 feet; thence Southerly a distance of 149.09 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Lake Worth Road (S.R.802) and Davis Road being bounded on the north by 2nd. Avenue North was approved as advertised subject to the following conditions:

1. Prior to the issuance of a Certificate of Occupancy, landscaping shall be installed as depicted on Exhibit No. 21.
2. Outdoor lighting shall be directed away from abutting property and rights of way.
3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
4. The rear facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential areas.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted at the rear or side of the

building.

6. Loading and trash collection activities shall be limited to the hours of 8:00 a.m. and 8 p.m., Monday through Friday.

7. 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:

a) Davis Road, 55 feet from centerline, approximately an additional 30 feet within 90 days of adoption of the Resolution by the Board of County Commissioners.

b) 2nd Avenue North, 40 feet from centerline.

All conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

9. The Property owner shall construct:

a) Davis Road as a 3 lane section from Lake Worth Road to 2nd Avenue North.

b) Left Turn Lane, North approach, on Davis Road at 2nd Avenue North.

c) Left Turn Lane, South Approach, on Davis Road at Lake Worth Road.

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

10. The Property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

11. The Property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Davis Road and a permit from the Florida Department of Transportation for access onto Lake Worth Road.

12. 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.

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

14. 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.

15. 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.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Spillias, 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	-- Absent

The foregoing resolution was declared duly passed and adopted
this 13th day of **August** confirming action of the 27th June 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

Sandy Spayne
County Attorney