

RESOLUTION NO. R-85-1234

RESOLUTION APPROVING ZONING PETITION 85-66, Rezoning

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. 85-66 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th 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 make 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 June 1985, that Petition No. 85-66 the petition of BRANHAM BUILDING CORPORATION, By Thomas Branham, President, for the REZONING, FROM AN-AGRICULTURAL RESIDENTIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on the West 100 feet of the South 250 feet of that part of Tract 123, Block 23, Palm Beach Farms Company Plat No. 3, in Section 28, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54 inclusive, lying North of right-of-way of State Road No. 802,

Together with:

Beginning at 1 1/4 inch pipe at Northeast corner of Tract 123 of Block 23, Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Page 47, run thence South along the East line of said Tract 125, 352.7 feet, thence turn and run West 330 feet to a concrete monument;

thence turn and run North 352.7 feet to a concrete monument; thence turn East 330 feet to the 1 1/4 inch pipe, being the Point of Beginning, including a perpetual right-of-way easement of ingress and egress over the East 14 feet of the West 114 feet of the South 250 feet of said Tract 123, as lies North of State Road No. 802 right-of-way line. Said property located on the north side of Lake Worth Road (S.R. 802) approximately .3 mile west of Pinehurst Drive was approved as advertised.

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:

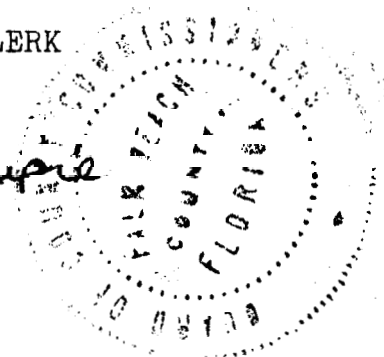
Ken Adams, Chairman	-- ABSENT
Karen T. Marcus, Vice Chairman	-- AYE
Kenneth Spillias, Member	-- ABSENT
Jerry L. Owens, Member	-- AYE
Dorothy Wilken, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 28th June 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaufie
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Progne
County Attorney

RESOLUTION NO. R-85-1235

RESOLUTION APPROVING ZONING PETITION 85-66, 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. 85-66 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th 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 amendment to the site plan, or variznce relief, 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 June 1985, that Petition No. 85-66 the petition of BRANHAM BUILDING CORPORATION, By Thomas Branhan, President, for a SPECIAL EXCEPTION TO ALLOW ENCLOSED STORAGE FACILITIES on the West 100 feet of the South 250 feet of that part of Tract 123, Block 23, Palm Beach Farms Company Plat No. 3, in Section 28, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54 inclusive, lying North of right-of-way of State Road No. 802,

Together with:

Beginning at 1 1/4 inch pipe at Northeast corner of Tract 123 of Block 23, Palm Beach Farms Comgany Plat No. 3, recorded in Plat Book 2, Page 47, run thence South along the East line of said Tract 123,

352.7 feet, thence turn and run West 330 feet to a concrete monument; thence turn and run North 352.7 feet to a concrete monument; thence turn East 330 feet to the 1 1/4 inch pipe, being the Point of Beginning, including a perpetual right-of-way easement of ingress and egress over the East 14 feet of the West 114 feet of the South 250 feet of said Tract 123, as lies North of State Road **Lo.** 802 right-of-way line. Said property located on the north side of Lake Worth Road (S.R. 802) approximately .3 mile west of Pinehurst Drive was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the site plan shall be amended to reflect the following:
 - a) Delineation of H.V. parking spaces.
 - b) The wall shall be supplemented with a landscape program consisting of one (1) tree planted 25 feet on center along all areas abutting residentially zoned property and a buffering program for the area abutting commercial property. These shall be canopy trees 8-10 feet minimum overall height, and shall be property maintained, and replaced as necessary. Along the western and northern property lines, the petitioner may seek variance relief from the 6 foot wall requirement, if the building faces at those property lines have no openings. The above specified supplemental landscape shall be provided along the property lines. Exclusively native species shall be used for this landscape treatment.
 - c) Required number of parking spaces calculated by a lot square footage base.
2. All sides of structures facing property lines shall be given a fully finished and architecturally consistent exterior treatment. The exterior of structures shall be maintained in good condition at all times.
3. 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.
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 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. The Fair Share Fee for this project presently is \$3,697.00.
6. The Property owner shall relocate the proposed entrance/exit onto Lake Worth Road at the east property line per the County Engineers approval prior to Site Plan Certification.
7. 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.
8. The Property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Lake Worth Road.
9. 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.

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

11. 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.

12. 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.

13. 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 **Marcus** , and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 13th day of **August** confirming action of the 28th June 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupie
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Anagnone
County Attorney