

RESOLUTION APPROVING ZONING PETITION 85-113, 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. 85-113 was presented to the Board of County Commissioners of Palm Beach County, at its public hearing conducted on the 4th December 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 modification, 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 4th of December 1985, that Petition No. 85-113 the petition of WILLIAM AND DAPHNE CLEVE By R.D. Taylor, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, in Section 4, Township 45 South, Range 43 East. Said property located on the northeast corner of the intersection of Hypoluxo Road and High Ridge Road 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) Conformance with the loading requirements.
 - b) Delineation of the required landscaped areas.
 - c) A six (6) foot high wall on the lot line with a top width of six (6) feet.

feet in overall height planted thirty (30) feet on center.

d) 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. Security lighting shall be directed away from nearby residences.

3. 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.

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

5. 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.

6. 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.

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) Hypoluxo Road, 54 feet from centerline,
b) High Ridge Road, 40 feet from centerline,

all 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 property owner shall construct High Ridge Road as a 3 lane section from a point 200 feet south of Hypoluxo Road, north to a point 200 feet north of the project's entrance road onto High Ridge Road plus the appropriate paved tapers 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 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 \$67,029.00 (2,502 trips X \$26.79 per trip).

11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$33,515.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$100,544.00) to be paid prior to the issuance of a Building Permit, or when required for the road construction as outlined in Condition No. 15 below.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$33,515.00 shall be credited toward the increased Fair Share Fee. Based upon the Mandatory Traffic Performance Standards, the following floor area limitations, or square footages of other permitted CG uses which will generate the same or fewer average daily trips per the County Engineer's approval, shall be in effect.

12.a) A minimum of 6,400 square feet of building floor area shall be in Office Space.

~~w) A minimum of 15,000 square feet of building floor area shall be used as Furniture Sales.~~

~~c) A minimum of 5,840 square feet of building floor area shall be used as an Auction Gallery.~~

~~d) A maximum of 13,400 square feet of building floor area shall be used as local retail uses.~~

13. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

~~14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Hypoluxo Road, and High Ridge Road, if allowed by Land Use Plan amendment.~~

15. The property owner shall revise Palm Beach County's existing construction plans for Hypoluxo Road as a 4 lane median divided section (expandable to 6 lanes from the existing 4 lane terminus west of I-95 west of a point 200 feet west of High Ridge Road) plus the appropriate tapers. ~~These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval. Plan costs shall be approved by the County Engineer.~~

It is the intent that Palm Beach County construct Hypoluxo Road as a 4 lane median divided section from the existing 4 lane terminus west of I-95 west to a point 200 feet west of High Ridge Road per Condition No. 15 during the fiscal year 1986-87. This construction shall be funded first with this petitioner's monies, second with impact fee funds and other developers receiving approvals, and last with budgeted funding.

16. Surety required for the offsite road improvements as outlined in Condition No. 11 and No. 12 shall be posted with the Office of the County Engineer prior to April 1, 1986.

17. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a) No more than 23,298 square feet of building permits shall be issued until the contract has been let for the construction of Hypoluxo Road has been constructed as a 4 lane section from I-95 to Congress Avenue plus the appropriate paved tapers.

18. The property owner shall install signalization if warranted as determined by the County Engineer at High Ridge Road and Hypoluxo Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

19. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

20. The project's entrance onto High Ridge Road shall not be constructed until and unless the County's Comprehensive Plan ordinance is amended to delete a provision limiting the property's traffic access to Hypoluxo Road only.

21. The petitioner shall comply with prospective amendments to the Landscape Code.

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Leticia Weaver*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jerry L. Owens
County Attorney

FILED THIS DAY OF
..... FEB 25 1986 19
AND RECORDED IN
MINUTE BOOK NO. 185 AT
PAGE 046 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *Leticia Weaver* D.C.

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