

RESOLUTION NO. R- 86-455

RESOLUTION APPROVING ZONING PETITION 76-75(C), 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. 76-75(C) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 8th January 1986; 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 8th of January 1986, that Petition No. 76-75(C) the petition of JOSEPH M. ARBREE, GARY D. GARRISON AND MICHAEL J. WILENTA By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land in the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 41 South, Range 42 East, being specifically described as follows:

From an iron road marking the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 6, bear North 1 degree 37'09" East along the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 6, a distance of 1146.19 feet to the Intersection thereof with the Southerly Right-of-way line of State Road 706 (Indiantown Road); thence North 74 degrees 56'13" west along said Right-of-Way line, a distance of 61.69 feet to the Point Of

Beginning.

Thence, continue North 74 degrees 56'13" West along said Right-of-way line, a distance of 184.12 feet to the Point Of Curvature of a curve to the right, having a central angle of 3 degrees 38'03" and a radius of 2914.93 feet; thence, Northwesterly, along the arc of said curve, a distance of 184.89 feet to the end of said curve; thence, South 41 degrees 20'19" West, a distance of 224.80 feet to the Point Of Curvature of a curve to the left, having a central angle of 41 degrees 30'00" and a radius of 70.58 feet; thence, Southwesterly, along the arc of said curve, a distance of 51.12 feet to the Point Of Tangency; thence South 0 degree 09'41" East, a distance of 150.29 feet; thence North 89 degrees 30'00" East, a distance of 513.00 feet; thence, North 1 degree 37'09" East, along a line that is 60 feet Westerly of, parallel and measured at right angles to the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 6, a distance of 260.00 feet to the Point Of Beginning. Said property located on the south side of Indiantown Road (S.R. 706), approximately .7 mile east of Jupiter Farms Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) A five (5) foot landscape strip and six (6) foot wall with 10-12 foot canopy trees planted 30 feet on center or a ten (10) foot 75% opaque landscape buffer between the adjacent residential and public ownership areas and the Planned Commercial Development.
 - b) Required and proposed interior landscaping.
2. 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.
3. Security lighting shall be directed away from nearby potential residential areas.
4. The rear of the center shall be given architectural treatment consistent with the front in order to mitigate negative visual impact on surrounding areas.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structures.
6. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.
7. 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.

8. 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.

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

10. 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.

11. The property owner shall convey the ultimate right-of-way of Indiantown Road, 60 feet from centerline 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.

12. The property owner shall construct a left turn lane, east approach and a right turn lane, west approach on Indiantown Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

13. 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 \$80,905.00 (3,0213 per X \$26.95 per trip).

14. Based on Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$20,226.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid prior to the issuance of a Building Permit.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$20,226.00 shall be credited toward the increased Fair Share Fee.

15. 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.

16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Indiantown Road.

17. Forty percent (40%) of the project's floor area (approximately 12,000 square feet) shall be maintained as office uses.

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

19. Prior to Site Plan Certification, the tree survey shall be submitted to the Zoning Division for inclusion into the zoning file.

20. The petitioner agrees not to obtain variance relief from the septic tank standards of E.C.K. I.

Commissioner Spillias, 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:

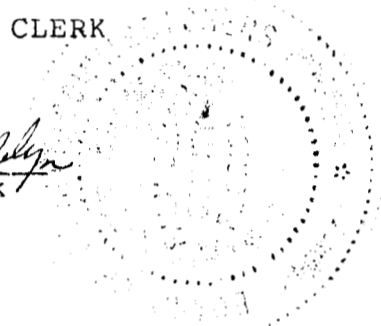
Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted
this 8th day of April, 1986 confirming action of the 8th, January
1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polyn
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Spagnoli
County Attorney