

RESOLUTION NO. R-86-460

RESOLUTION APPROVING ZONING PETITION 81-219(B), 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. 81-219(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th 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 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 30th of December 1985, that petition No. 81-219(B) the petition of NU PLAZA, INC. AND LAKE WORTH DRAINAGE DISTRICT By Fred Schwartz and James Ranson, Agents, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED OFFICE BUSINESS PARK, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-219, TO INCREASE THE TOTAL LAND AREA BY .223 ACRES AND TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in Lots A and B of Block 15, and in Lots A and B of Block 14 and a part of an abandoned road right-of-way lying between said Lots A and B of Block 15 and Lots A of B of Block 14, all lying and being in the plat of the Palm Beach Farms Company Plat No. 8 of Section 38, Township 45 South, Range 43 East, as recorded in Plat Book 5, Page 73, said parcel being more particularly

described as follows :

Commencing at the Northwest corner of said Section 30; thence on an assumed bearing of South 89 degrees 59'43" East, along the North line of said Section 30, a distance of 40.02 feet; thence South 1 degree 55'38" West, along a line 40.0 feet East of, as measured at right angles, and parallel with the West line of said Section 30 a distance of 60.03 feet to the Point of Beginning; thence continue South 1 degree 55'38" West, along said parallel line, a distance of 145.38 feet to an intersection with a line 7.0 feet North of, as measured along a radial line, and concentric with the North right-of-way line of State Road 804 (Boynton West Road) as shown in Road Plat Book 2 at Page 218; thence Easterly, along said concentric line 7.0 feet North of the North right-of-way line of State Road 804, said line being a curve concave to the North and having a radius of 21,425.90 feet, a central angle of 1 degree 08'05" and a chord bearing of South 89 degrees 25'54" East, an arc distance of 424.33 feet to the end of said curve; thence South 89 degrees 59'57" East, continuing along a line 7.0 feet North of the North right-of-way line of State Road 804 a distance of 393.72 feet to an intersection with the East line of the West 185.00 feet, as measured along the South line of said Lots A and B of Block 14; thence North 1 degree 50'03" East, along said line being 185.00 feet East of and parallel with the West line of said Lots A and B of Block 14, a distance of 161.54 feet to an intersection with a line being 48.0 feet South of, as measured at right angles, and parallel with the said North line of Section 30; thence North 89 degrees 59'43" West, along said parallel line, a distance of 470.89 feet; thence South 1 degree 55'38" West, parallel with the said West line of Section 30, a distance of 12.01 feet to an intersection with a line 60.0 feet South of, as measured at right angles, and parallel with the said North line of Section 30; thence North 89 degrees 59'43" West, along said parallel line, a distance of 347.00 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Boynton Beach Boulevard (S.R. 804) and Lawrence 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) Required landscaping between the vehicular use areas and the adjacent properties, or variance relief shall be obtained from the Board of Adjustments.

b) Include both required and proposed interior landscaping calculations within the tabular information, or variance relief shall be obtained from the Board of Adjustments.

2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

3. Security lighting shall be directed away from nearby residences.

4. 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.

5. 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.

6. 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.

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

8. Conditions No. 1a, No. 1b and No. 1c of Resolution No. R-82-327 which state:

"a. Petitioner shall extend the existing left turn lane, west approach, on Boynton West Road at Lawrence Road per the County Engineer's approval prior to the issuance of a Certificate of Occupancy.

b. Petitioner shall construct at the project's west entrance onto Boynton West Road prior to the issuance of a Certificate of Occupancy, a left turn lane, west approach.

c. Petitioner shall construct at the project's entrance and Lawrence Road a left turn lane, north approach, prior to the issuance of a Certificate of Occupancy."

Are hereby amended to state:

"1.a) The property owner shall incorporate the above construction into the existing 6-lane construction program for Boynton Beach Boulevard from Military Trail to Congress Avenue by incorporating a change-order to the existing contract. This property owner shall be fiscally responsible for all costs incorporated with this change order including but not limited to construction plan changes, construction cost, and pavement markings. These change orders shall be accomplished prior to the issuance of a Certificate of Occupancy or prior to the letting of the Contract for Boynton Beach Boulevard whichever shall first occur."

9. 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.

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 \$12,056.00 (450 trips X \$26.79 per trip) for Phase II (east 1/2 of project).

11. 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.

12. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Boynton Beach Boulevard.

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

14. Any parking spaces in excess of the required minimum shall be converted to landscape islands in order to break up the expanse of paving in the parking area.

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	--	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 8th day of April, 1986 confirming action of the 30th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Brown
County Attorney