

RESOLUTION NO. R- 86-481

RESOLUTION APPROVING ZONING PETITION 85-164, 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. 85-164 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. 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 30th of December 1985, that Petition No. 85-164 the petition of WILSHIRE CORPORATION, By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the East 190 feet of the South 115.77 feet, less the North 30 feet of the South 115.77 feet thereof and also less the North 5 feet of the South 85.77 feet thereof, (as shown in Right-of-way deed Recorded Official Record Book 1482, Page 301) of Lot 1, Block 1 of Model Land Company's Subdivision of Section 7, Township 44 South, Range 43 East, less the East 50 feet thereof, in Plat Book 10, Page 2W; and Lot 1, less the West 190 feet and less the East 10 feet thereof, Block 2, and the East 150 feet of Lot 2, less the East 10 feet thereof, Block 2, Laguna Park No. 2, as recorded in Plat Book 21, Page 65. Subject to and with an easement for Judy Lane Road Right-of-Way, in Deed Book

1801, Page 145, in common with owners of adjacent land.

Above described property and Judy Lane Easement as shown on an Unrecorded Plat of Price Lake and Vicinity, by Kenyon Riddle, dated January 2, 1954. Said property located on the southwest corner of the intersection of Congress Avenue (S.R. 807) and Riddle Road, being bounded on the west by Judy Lane was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the required landscaping between the vehicular use areas and the abutting rights-of-way.
2. Security lighting shall be directed away from surrounding residences.
3. No storage or placement of any materials, refuse, equipment, or accumulated debris shall be permitted behind the structure.
4. All facades of the building shall be given architectural treatment consistent with the front of the structure to avoid an incompatible appearance impact upon nearby residences.
5. 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.
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. 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.
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
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 convey for the ultimate right-of-way of Congress Avenue, 50 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.
11. The property owner shall construct a left turn lane, south approach on Congress Avenue at Riddle Road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer and Florida Department of Transportation approval.
12. 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 \$22,986.00 (858 trips x \$26.79 per trip).
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 relocate the proposed entrance onto Congress Avenue per the County Engineer's approval or construct a left turn lane, south approach on Congress Avenue at the existing southerly median opening per approval from the Florida Department of Transportation.

15. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Riddle Road and a permit from the Florida Department of Transportation for access onto Congress Avenue.

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

17. Minimum landscaping shall be installed prior to issuance of a Certificate of Occupancy as presented on Exhibit No. 3.

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:

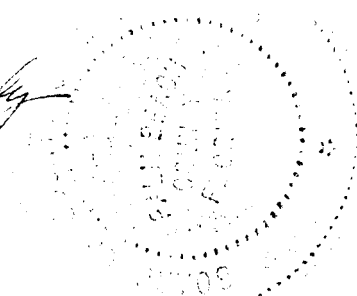
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 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 C. Kelly*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

3  
*Barbara C. Kelly*  
County Attorney