

RESOLUTION NO. R- 86-485

RESOLUTION APPROVING ZONING PETITION 85-166, 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. 85-166 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. 85-166 the petition of THIRD GENERATION, INC., By Patrick Koenig, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT beginning at the Southwest corner of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 44 South, Range 42 East, thence run Northerly 80 feet to the Northern right-of-way line of Lake Worth Road, the Point of Beginning; thence Easterly along the right-of-way of Lake Worth Road a distance of 100 feet; thence Northerly a distance of 400 feet thence Westerly a distance of 100 feet; thence Southerly a distance of 400.00 feet to the Point of Beginning Said property located on the northeast corner of the intersection of Lake Worth Road (S.R. 802) and Scott Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect no vehicular encroachment into the proposed landscape buffer.
2. Security lighting shall be directed away from nearby residences.
3. All facades of the building shall be given architectural treatment consistent with the front of the structure to avoid an incompatible appearance impact upon the nearby residential development.
4. 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.
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:
 - a) Lake Worth Road, 60 feet from centerline,
 - b) Scott Road, as determined by the County Engineerall within 90 days of adoption of the Resolution by the Board of County Commissioners; and conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.
11. The property owner shall construct Scott Road from Lake Worth Road to the project's north property line. This construction shall be to local street standards (minimum 2-10 foot travel lanes) concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
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 \$20,253.00 (756 trips x \$26.79 per trip).
13. The property owner shall not be permitted access onto Lake Worth Road.
14. 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.
15. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
16. The buffer shall consist of a 3-4 foot berm, 24 inch continuous hedge and/or wall or combination thereof supplemented by one 12-14

foot canopy tree planted 20 feet on center in order to achieve a 75% visually opaque landscape buffer within 2 years of development. If the wall option is utilized, the maximum tree spacing shall not exceed 30 feet on center.

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:

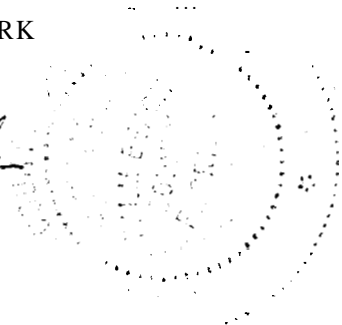
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

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'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

James G. [Signature]
County Attorney