

RESOLUTION APPROVING ZONING PETITION 86-4, 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. 86-4 was presented to the Board of County Commissioners *of* Palm Beach County at its public hearing conducted on the 30th 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 30th of January 1986, that Petition No. 86-4 the petition of DOWN EAST DEVELOPERS, INC., By Claude Gagne, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on all of the West 448 57 feet of the North 264.67 feet of Lots 3 and 4, Model Land Company Subdivision of the North 1/2 of Section 24, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 76, less the North 50.00 feet and the West 28.00 feet for road Right-of-way purposes. Said property located on the southeast corner of the intersection *of* Military Trail (S.R. 809) and Diamond Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan will be amended to reflect 8-10 foot canopy trees planted thirty (30) feet on center along all property lines abutting residentially zoned property where existing vegetation is insufficient.

2. The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
3. **No** stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
4. Security lighting shall be directed away from nearby residences.
5. The required six (6) foot high wall shall receive identical architectural treatment on both sides.
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 owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
11. 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.
12. The Developer 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 \$54,732.00 (2,043 trips x \$26.79 per trip).
13. A minimum of 6,925 square feet of the project shall remain as general office use.
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 property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Diamond Road and a permit from the Florida Department of Transportation for access onto Military Trail.
16. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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:

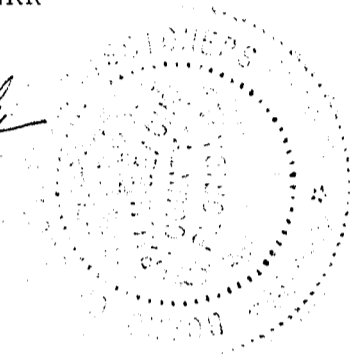
Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted
this 22nd day of April, 1986 confirming action of the 30th January
1986.

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

Randy Apron
County Attorney