

RESOLUTION NO. R- 86-1373

RESOLUTION APPROVING ZONING PETITION 86-54, 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. 86-54 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23 May 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. With site plan modifications, 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 23 May 1986, that the petition of JOE FEARNLEY, TRUSTEE AND KARL REX BROOK By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW OFFICE/WAREHOUSE COMBINATIONS on the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 44 South, Range 42 East.

Less and Excepting the South 2.00 acres thereof.

Also Less and Excepting the West 40.00 feet thereof for road Right-of-Way for Military Trail.

Also Less and Excepting a State of Florida Canal Right-of-way as recorded in Official Record Book 442, Page 236. Said property located on the east side of Military Trail (S.R. 809),

approximately .2 mile south of Lake Worth Road (S.R. 802) and being bounded on the north by L.W.D.D. Lateral Canal No. 12 was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) required number of trees
- b) terminal and optional interior island dimensions.
- c) sign setbacks
- d) delete the words "or buffer" from site plan

2. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or **wood**, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

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

4. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

5. The property owner shall convey for the ultimate right-of-way of Military Trail, 53 feet from centerline (approximately an additional 13 feet) 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.

6. The property owner shall construct:

- a. Military Trail as a 3 lane section, including tapers, from a point 150 feet north of the project's north property line, south to the project's south entrance.
- b. Right turn lane, south approach at both project's entrance roads concurrent with onsite paving and drainage improvements.

7. Prior to this developer receiving a paving & drainage permit from the office of the County Engineer, Palm Beach County may at its option request the monies required for this 3-lane section of Military Trail. These funds shall be based upon an approved certified cost estimate from the developer's engineer.

8. 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 \$14,627 (546 trips X \$26.79 per trip).

9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$3,657 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$18,284 are to be paid prior to the issuance of a Building Permit, or prior to January 1, 1987, whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,657 shall be credited toward the increased Fair Share Fee.

10. The petitioner shall convey to the Lake Worth Drainage District the north 25 feet of the subject property for the required right-of-way for Lateral Canal 12 by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

11. Only one entrance shall be permitted until Military Trail is constructed as a 4 lane median divided section.

12. There shall be no retail or consumer service uses permitted in the office-warehouse combination.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Adams and upon being put to a vote, the vote was as follows:

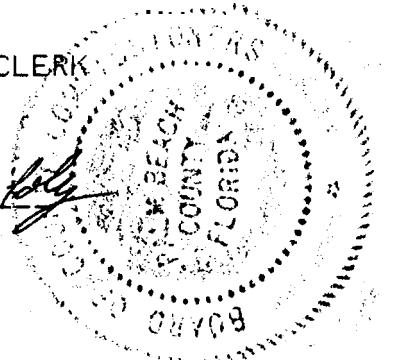
Karen T. Marcus, Chairrnan	--	AYE
Jerry L. Owens, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of September, 1986 confirming action of the 23 May 1986.

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

Andrew Payne
County Attorney