

RESOLUTION NO. R-87-1098

RESOLUTION APPROVING ZONING PETITION 86-127, 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. 86-127 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 26, 1987 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Petition No. 86-127 the petition of FIRST ATLANTIC INVESTMENTS, INC., By Monna Eakle, President, for a SPECIAL EXCEPTION TO ALLOW A MOTEL on the North 1/2 of that part of Tract 1 lying West of U.S. Highway No. 1, correction map showing property of Harry Seemiller, Section 9, Township 46 South, Range 43 East, according to the plat thereof recorded in Plat Book 9 at Page 72. The property is located on the west side of U.S. Highway No. 1, approximately 150 feet south of

Royal Palm Boulevard, being bounded on the west by Old Dixie Highway in a CG-General Commercial Zoning District 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. the required twenty-five (25) foot building setback from the ultimate right-of-way line of Old Dixie Highway.
  - b. required number of trees.
  - c. the required tree in each terminal island.
  - d. required landscaping between off-street parking areas and right-of-way.
  - e. the floor area/lot ratio.
  - f. relocation of the proposed parking.
2. Prior to site plan certification, the petitioner shall record a Limited Access Agreement, subject to the County Attorney's approval, along Old Dixie Highway.
3. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system and/or water supply system. Since sewer and water service are available to the property, septic tank or well shall not be approved for use on said property. After connecting to public water supply system, existing NCW shall be abandoned.
4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this 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 as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be reviewed by the Code Enforcement Board for enforcement.
5. The property owner shall convey for the ultimate right-of-way of:
  - a. U.S. 1, 60 feet from centerline
  - b. Old Dixie Highway, 80 east of the east right-of-way of the FEC Railroad right of wayall within 90 days of the approval of the Resolution approving this project.
6. 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 \$5,251.00 (196 trips X \$26.79 per trip).

Commissioner Marcus, 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:

Carol Roberts	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Rye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of February 26, 1987.

PFILM BEFICH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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County Attorney