

RESOLUTION NO. R- 84-178

RESOLUTION APPROVING ZONING PETITION 83-145, 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. 83-145 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th October 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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. The proposed development is consistent with the minimum requirements of the Comprehensive Plan and Zoning Code.
2. The proposed development could be accommodated to the subject site while meeting all property **devel-**opment regulations provided that abandonment of Ryder Lane is granted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day October 1983, that Petition no. 83-145 the petition of ROBERT D. ABERNATHY By K.S. Rogers, Agent, for a SPECIAL EXCEPTION TO ALLOW A HOTEL on Lots 1, and 8, Smithview, in Section 29, Township 43 south, Range 43 East, as recorded in Plat Book 23, Page 112, Less that portion of said Lot 8 lying North of a line parallel with the North line of Section 29, Township 43 South, Range 43 East, and being 289.22 feet Southerly therefrom; together with:

A part of the Northeast 1/4 of the Northwest 1/4 of Section 29, Township 43 south, Range 43 East, described as follows:

Commencing at a point on the North line of said Section that is 336 feet East of the Northeast corner of Madrid Park; running thence South along a

'line that is parallel with the East line of Madrid Park, a distance of 289.24 feet in a point which is the Point of Beginning of the tract herein conveyed, running thence South along a line that is parallel with the East line of Madrid Park, a distance of 128.76 feet; thence East along a line that is parallel with the North line of said Section a distance of 75 feet; thence North along a line that is parallel with the East line of Madrid Park, a distance of 128.76 feet; thence West along a line that is parallel with the North line of said Section a distance of 75 feet to the Point of Beginning; Together with:

A parcel of land in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 43 South, Range 43 East, more particularly described as follows: From the intersection of the East line of Madrid Park, as recorded in Plat Book 13, Page 78, with the North line of said Section 29, run East on said North line 336.69 feet; thence Southerly parallel with the East line of the West $\frac{1}{2}$ of said Section, 418 feet to the Point of Beginning; thence Southerly, parallel with the East line of the West $\frac{1}{2}$, 75 feet; thence Easterly parallel with said North line of Section 75 feet; thence Northerly parallel with said East line of the West $\frac{1}{2}$, 75 feet; thence Westerly 75 feet to the Point of Beginning; together with:

A part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 29, Township 43 south, Range 43 East, bounded and described as follows:

Commencing at a point on the North line of said Section that is 336 feet East of the Northeast of Madrid Park; running thence South along a line that is parallel with the East line of said Madrid Park a distance of 568 feet to a point which is the Point of Beginning of the tract herein described; from said Point of Beginning run thence South along a line that is parallel with the East line of Madrid Park a distance of 116.5 feet; thence East along a line that is parallel with the North line of said Section a distance of 75 feet; thence North along a line that is parallel with the East line of Madrid Park a distance of 116.7 feet; thence West along ,a line that is parallel with the North line of said Section a distance of 75 feet to the Point of Beginning. Together with:

A parcel of land in Section 29, Township 43 South, Range 43 East, described as follows:

Beginning at a point on the North Section line of said Section 29, 411 feet East of the East line of Madrid Park, a plat of which is recorded in Plat Book 13, at Page 78, where it adjoins the North Section line of said

'Section 29; thence running South parallel with the East line of Madrid Park a distance of 600 feet; thence East parallel with the North line of said Section 29 a distance of 255 feet; thence North parallel with the East line of Madrid Park a distance of 600 feet to the North Section line; thence West along the North Section line a distance of 255 feet to the Point of Beginning, excepting therefrom the right-of-way for the road known as Okeechobee Road and less and except the South 50 feet of the East 235 feet and less the West 36.74 feet of the North 289.22 feet of the above described property; Subject to an easement over the West 20.0 feet for right-of-way in Deed Book 861, Page 542, known as Ryder Lane. Said property located on the south side of Okeechobee Boulevard (S.R.704), approximately .1 mile west of I-95 in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. This development shall retain **onsite** 100% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The developer shall construct on Okeechobee Boulevard, at the project's entrance road, a left turn lane, east approach, concurrent with on-site paving and drainage improvements pursuant to permit issued from the Office of the County Engineer.
3. The developer shall construct Frank Street from **Okeechobee** Boulevard south to the project's south property line, concurrent with on-site paving and drainage improvements pursuant to a permit issued from the Office of the County Engineer.
4. The property owner shall convey an alternate access easement per the County Engineer's approval, for Ryder Lane concurrent with application for the permit for **onsite** improvements issued from the Office of the County Engineer.
5. The developer shall contribute Eighteen Thousand and Eight Hundred Dollars (\$18,800.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
6. Prior to Site Plan Certification, the property owner shall obtain the abandonment of Ryder Lane, and shall establish an alternate means of legal access for the residential outparcel located adjacent to the southeast quadrant of this development.
7. The developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
8. The developer shall take necessary measures during the development of this property to prevent pollutant run off to neighboring and nearby surface waters.
9. Prior to certification, the site plan shall be amended to reflect the following:

- a) The base building lines for Frank Street and any resulting relocation of required landscaped areas.
 - b) Effective screening substantially beyond standard requirements for the single family out parcel to block car headlights and glare from security lighting.
10. The developer shall install a six-foot high solid fence along the eastern boundary prior to the issuance of the Certificate of Occupancy.

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

Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dennis P. Koehler, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of JAN 31 1984, confirming action of 27th October 1983,

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Phyllis A. Hoare
Deputy Clerk

APPROVED AS TO FORM .
AND LEGAL SUFFICIENCY

John E. Galt
County Attorney