

RESOLUTION NO. R-85-247

RESOLUTION APPROVING ZONING PETITION 84-36 (A), 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. 84-36 (A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 1984; 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. The proposed site plan is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The proposal presents a substantial decrease in the number of average daily trips generated if compared to the current approved proposal on this site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-36 (A) the petition of R.N. PROPERTIES, INC., By Carol Thompson, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-36 TO ALLOW AN OFFICE/WAREHOUSE COMBINATION on a parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being bounded as follows:

On the North by the South right-of-way line of Blue Heron Boulevard, as now laid out and in use; on the Southwest by the Northerly right-of-way line of Beeline Highway (S.R. 710) as now laid out and in use; and on the East by the Westerly right-of-way line of Military

Trail (S.R.809), as now laid out and in use, less a parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

Beginning at the intersection of the West right-of-wayline of Military Trail (S.R.809) with the Northeast right-of-way line of Beeline Highway (S.R.710); thence North 57 degrees 39'10" West along the said right-of-way line of said Beeline Highway a distance of 250 feet; thence North 60 degrees 04'05" East a distance of 232.50 feet to a point in the West right-of-wayline of Military Trail at a distance of 250 feet North 2 degrees 12'40" West from the Point of Beginning; thence South 2 degrees 12'40" East along said property West right-of-way line a distance of 250 feet to the Point of Beginning, also less the following described parcel:

A parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

Commence at the point of intersection of the centerline of Military Trail and the centerline of Blue Heron Boulevard as shown on the survey recorded in Official Record Book 3011, Pages 1025 through 1028 inclusive, thence North 88 degrees 10'12" West, along said centerline of Blue Heron Boulevard, a distance of 64.43 feet; thence South 01 degrees 49'48" West, a distance of 60.00 feet West to a point on the Southerly right-of-way line of Blue Heron Boulevard as said Southerly right-of-way line is described in Official Record Book 3011, Pages 1025 through 1028 inclusive, said point also being the Point of Beginning of the following described parcels; thence South 43 degrees 00'24" East, a distance of 5.77 feet to a point on the Westerly right-of-way line of Military Trail as said Westerly right-of-way line is described in Official Record Book 3011, Pages 1025 through 1028 inclusive, thence South 02 degrees 09'26" West along said Westerly right-of-way line, a distance of 148.91 feet; thence South 88 degrees 10'12" East, along said Westerly right-of-way line, a distance of 4.00 feet; thence South 42 degrees 09'26" West, along said Westerly right-of-way line, a distance of 57.19 feet; thence North 88 degrees 10'12" West a distance of 110.10 feet; thence North 02 degrees 09'26" East, a distance of 210.19 feet to a point on said

Southerly right-of-way line of Blue Heron Boulevard; thence South 88 degrees 10'12" East along said Southerly right-of-way line of Blue Heron Boulevard, a distance of 202.10 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Blue Heron Boulevard and Beeline Highway (S.R.710) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to certification, the site plan shall be amended to reflect the following:
  - a) uniform facade treatment of the subject buildings with special emphasis on the Beeline Highway facade.
  - b) A six-foot (6') high berm/wall/landscaping section between Beeline Highway and the service side of the subject buildings.
  - c) Prior to certification the location of the master sign program for the development must be submitted.
2. 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.
3. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm one hour per requirements of the Permit Section, Land Development Division.
4. The property owner shall convey for the ultimate right of way of:
  - (A) Military Trail, 60 feet from centerline, approximately an additional 4 feet within 90 days of adoption of the Resolution by the Board of County Commissioners.
  - (B) Blue Heron Boulevard, 60 feet from centerline, approximately an additional 7 feet within 90 days of adoption of the Resolution by the Board of County Commissioners.
  - (C) The property owner shall dedicate the ultimate right of way as shown on the "Special Intersections" per Palm Beach County's Thoroughfare Right of Way Protection Map within 90 days of the adoption of the Resolution by the Board of County Commissioners.
    - (a) An additional 16 feet, (76 feet from centerline) for the ultimate right of way for Blue Heron Boulevard.
    - (b) An additional 4 feet, (64 feet from centerline) for the ultimate right of way for Military Trail

All conveyances must be accepted by Palm Beach County prior to issuance of the first building permit.

5. This development shall be permitted only one median opening onto Blue Heron Boulevard, a minimum distance of 920 feet west of Military Trail.
6. This development shall be permitted only one median opening onto Military Trail, per the County Engineer's approval.
7. This development shall be permitted only two median openings onto Beeline Highway per the County Engineer's approval.

8. This development shall be permitted only two turnouts onto Blue Heron Boulevard per the County Engineer's approval.

9. This development shall be permitted only two turnouts onto Military Trail per the County Engineer's approval.

10. This development shall be permitted only four turnouts onto Beeline Highway per the County Engineer's approval.

11. The developer shall provide the construction plans for:

(A) Military Trail as a 4-lane median divided section (expandable to 6 lanes) from a point 200 feet north of Blue Heron Boulevard, south to the present 4-lane terminus south of Blue Heron Boulevard plus the appropriate tapers, per the County Engineer's approval,

(B) Blue Heron Boulevard as a 4-lane median divided section (expandable to 6-lanes) from a point 200 feet west of the project's East entrance onto Blue Heron Boulevard East to the present 4-lane terminus West of Military Trail plus the appropriate tapers per the County Engineer's approval.

These plans shall be completed within 6 months of the approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur.

12. The developer shall construct:

(A) Military Trail as a 4-lane median divided section from a point 200 feet north of Blue Heron Boulevard south to the present 4-lane terminus south of Blue Heron Boulevard as outlined in Condition No. 9 above. This construction shall be completed and accepted by Palm Beach County within 18 months of approval date by the Board of County Commissioners or prior to the issuance of building permits for more than 50,000 square feet, whichever shall first occur.

(B) Blue Heron Boulevard as a 4-lane median divided section from a point 200 feet west of the project's east entrance onto Blue Heron Boulevard, East to the present 4-lane terminus, West of Military Trail, as outlined in Condition No. 11(B) above.

This construction shall be completed and accepted by Palm Beach County within 18 months of approval date by the Board of County Commissioners or prior to the issuance of Building Permits for more than 50,000 square feet, whichever shall first occur.

13. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Blue Heron Boulevard, Beeline Highway, and Military Trail. This drainage easement shall be subject to all governmental agency requirements.

14. Credit shall be applied toward the impact fee of Seventy Two Thousand Five Hundred Dollars (\$72,500.00) based upon a certified cost estimate for the road construction of Blue Heron Boulevard and Military Trail, as outlined in Conditions 11 & 12 above. Should the developer seek to obtain building permits for the first 50,000 square feet of building permits, the developer shall post surety in the amount of \$1.25 per square foot. These monies shall then be refunded to developer after completion of Military Trail.

15. The development shall further be limited to 50,000 square feet of building area until Military Trail is 4-laned from the present 4-lane terminus north of Beeline Highway north to a point 200 feet north of

the entrance to Petition No. 84-8.

16. The developer shall construct concurrent with the 4-laning of Military Trail and the project's main entrance:

- (A) Left Turn Lane, South approach.
- (B) Right Turn Lane, North approach.

17. The developer shall construct Blue Heron Boulevard as a 3-lane section from a point 200 feet West of the project's East entrance onto Blue Heron Boulevard West to the project's West entrance plus the appropriate tapers per the County Engineer's approval concurrent with construction of driveway connections to Blue Heron Boulevard.

18. The developer shall construct concurrent with the construction of the project's main entrance road onto Beeline Highway, a left turn lane, northwest approach and shall further be limited to only the main entrance onto Beeline Highway until Beeline Highway is 4-laned across the projects frontage.

19. The developer shall install signalization when warranted, as determined by the County Engineer at the project's main entrance roads onto:

- (A) Blue Heron Boulevard
- (B) Military Trail
- (C) Beeline Highway

20. 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. Presently, The Fair Share Fee for this project is \$72,500.00

21. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

22. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

23. 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.

24. Exact copies of all graphics presented at the Board of County Commissioners public hearing shall be submitted to the Zoning Division and made part of the permanent petition file.

25. The "Typical Plan" presented at the Board of County Commissioners public hearing, for buffering, shall be the required screen and buffer along thoroughfare frontages.

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

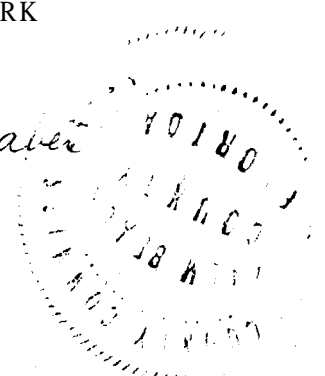
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted  
this day of **FEB 19 1985** confirming action of the 27th of  
September 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Brown  
County Attorney