

RESOLUTION NO. R-85-567

RESOLUTION APPROVING ZONING PETITION 84-137(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. 84-137(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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 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 4th of January 1985, that Petition No. 84-137(A) the petition of MURRAY LOGAN CONSTRUCTION, INC., By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE COMBINATION on West 1/2 of Tract 70, Block 5, Palm Beach Farms Company Plat No. 3, in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive. Said property located on the northeast corner of the .in of Southern Boulevard (S.R.80) and Cleary Road, being bounded on the north by Wallis Street was approved as advertised subject to the following conditions:

1. Prior to site plan certification, a revised site plan shall be submitted reflecting the following:

- a) No more than 85% impervious area
- b) Preservation of existing significant vegetation wherever

possible and the incorporation of said vegetation into the project design. Appropriate measures also shall be taken to protect these preservation areas during site clearing and construction.

c) All security lighting shall be directed away from nearby residences.

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

4. 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.

5. 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.

6. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

7. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

8. The property owner shall convey for the ultimate right of way of:

- (A) Southern Boulevard, 200 feet North of the North Right of Way line of the C-51 Canal;
- (B) Cleary Road, 40 feet from centerline;
- (C) Wallis Road, 30 feet from centerline.

All rights of way shall be conveyed within 90 days of adoption of the Resolution by the Board of County Commissioners; all conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

9. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- (A) Left Turn Lane, west approach, on Southern Boulevard at Cleary Road;
- (B) Cleary Road from Southern Boulevard north of Wallis Road;
- (C) Wallis Road from Cleary Road east to the project's east property line.

10. The Developer shall not be allowed access onto Southern Boulevard.

11. 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 \$6,263.00.

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

12. Based on the amount of traffic generated by this development, the

Developer has agreed to contribute an additional \$6,263.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within one year of approval date by the Board of County Commissioners.

Commissioner **MARCUS** , 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:

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

The foregoing resolution was declared duly passed and adopted this 9th day of **April** confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Flynn*
Deputy Clerk

APPROVED **AS** TO FORM
AND LEGAL SUFFICIENCY

Fancy Sprague
County Attorney