

RESOLUTION NO. R- 85-576

RESOLUTION APPROVING ZONING PETITION 84-174, 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. 84-174 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. With modifications to the site plan, this proposal will be 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. 84-174 the petition of P.G. & BROTHERS MANAGEMENT COMPANY By Richard Reikenis, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT commencing at the intersection of the Southerly Extension of the West line of Tract 108 as shown on the Model Land Company Subdivision of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79, and the North right-of-way line of Lake Worth West Road (S.R.802) as shown on the right-of-way map recorded in Road Plat Book 2, Page 96, thence, Easterly along the said North right-of-way line, a distance of 196.30 feet to the Point of Beginning of the herein described parcel; thence, continue Easterly along said North right-of-way line, a distance of 147.47 feet to a

point; thence, Northerly making an angle with the preceding course of 110 degrees 12'41" measured from West to North, a distance of 159.84 feet to a Point in a line 150 feet North of and parallel with the said North right-of-way line of S.R. 802; thence, Westerly, along said parallel line a distance of 203.73 feet to a point in the Easterly right-of-way line of Engle Road as now laid out and in use; thence, Southerly, along said East right-of-way line, making an angle with the preceding course of 89 degrees 36'12" measured from East to South, a distance of 150.00 feet to the intersection of the East right-of-way line of Engle Road and the said North right-of-way line of Lake Worth Road (S.R.802) and the Point of Beginning.

Less the Southerly four (4') feet parallel to Lake Worth (West) Road (S.R.802), together with:

A parcel of land lying in and being a part of Section 20, Township 44 South, Range 43 East, and being more particularly described as follows:

Commencing at the Southwest corner of said Section 20, run South 87 degrees 40'08" East, (all bearings being based on an assumed meridian) along the South line of said Section 20, a distance of 1670.82 feet, thence North 22 degrees 35'43" East a distance of 202.52 feet to the Point of Beginning, thence North 22 degrees 35'43" East a distance of 32.39 feet, thence North 02 degrees 16'17" East a distance of 421.64 feet to a point on the Southerly right-of-way line of 2nd Avenue North, thence North 87 degrees 43'42" West a distance of 218.68 feet to a point on the Easterly right-of-way of Engle Road, thence South 01 degree 56'06" West along said right-of-way a distance of 451.81 feet, thence South 87 degrees 40'08" East a distance of 204.78 feet and back to the Point of Beginning. Said property located on the northeast corner of the intersection of Lake Worth Road (S.R.802) and Engle Road, being bounded on the north by 2nd Avenue South was approved as advertised subject to the following conditions:

1. Prior to site plan certification a revised site plan shall be submitted reflecting all parking and channelization requirements per Section 500.17.
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. 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.

8. The property owner shall convey for the ultimate right of way of Lake Worth Road, 54 feet from centerline, 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.

9. 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 \$588.00.

10. The Developer shall not be permitted access onto Lake Worth Road.

11. There shall be canopy trees 10'-12' in overall height planted 20' on center along the Lake Worth Road frontage, except within the safe corner visibility area established by the Landscape Code.

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

Ken Spillias, Chairman	--	AYE
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. Cole*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stanley Sprague
County Attorney