

RESOLUTION NO. R- 85-1098

RESOLUTION APPROVING ZONING PETITION 85-58, 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. 85-58 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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 modification of the site plan, or variance relief from the Board of Adjustment, this 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 23rd of May 1985, that Petition No. 85-58 the petition of R.W. SILC, TRUSTEE for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the South 240 feet of the North 1120 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 44 South, Range 43 East, Less the South 74.09 feet of the East 158.0 feet thereof. Said property located on the west side of Congress Avenue (S.R. 807) approximately 100 feet north of Riddle Road and approximately .5 mile south of Summit Boulevard was approved as advertised subject to the following conditions:

1. All landscaping depicted on the site plan as presented to the Board of County Commissioners shall be required as part of this petition's approval.
2. The landscaped buffer strips along the west and south property

lines abutting residentially zoned property shall be 25 feet wide and 15 feet wide respectively, and shall maintain 75% opacity.

3. Prior to site plan certification the petitioner shall obtain variance relief from the Board of Adjustment for substandard setbacks of the existing structure.

4. 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.

5. The property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline approximately an additional ten (10) feet 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.

6. The developer shall construct a left turn lane south approach on Congress Avenue at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

7. 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. The Fair Share Fee for this project, is \$72,869.00.

8. 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.

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

10. 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.

11. 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.

12. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

13. No structure shall be placed on the rear (western) 300 feet of the site, and a twenty-five foot landscape buffer shall be maintained along the western property line, including a six foot solid masonry wall placed east of this buffer.

Commissioner Spillias, 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 Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney