

RESOLUTION NO. R-86-483

RESOLUTION APPROVING ZONING PETITION 85-165, 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. 85-165 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th December 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. 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 30th of December 1985, that Petition No. 85-165 the petition of WILSHIRE CORPORATION, By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots 1, 2, 3, 20 and the Northerly 22.4 feet of Lot 21, less the Easterly 100 feet thereof and also less the Westerly 17 feet thereof for additional road Right-of-way and also less the North 25 feet of Lot 1, aforesaid Lots lying in Block 2 of Laguna Park No. 1, in Section 8, Township 44 South, Range 43 East, as recorded in Plat Book 21, Page 53. Said property located on the southeast corner of the intersection of Congress Avenue (S.R. 807) and Oak Road was approved as advertised subject to the following conditions:

1. Security lighting shall be directed away from nearby residences.
2. No storage or placement of any equipment, materials, refuse or

accumulated debris shall be permitted behind the structure.

3. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.

4. 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.

5. 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.

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

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 construct a left turn lane, north 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.

9. The property owner 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 presently is \$61,242.00 (2,286 trips x \$26.79 per trip).

10. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

11. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Congress Avenue.

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

13. The 75% opaque landscape buffer shall consist of minimum 12-14 foot high canopy trees planted 20 feet on center with a continuous hedge to be planted at a minimum 24" height. If a berm and/or wall combination is utilized the tree planting may be dispersed along the said areas as long as minimum 75% opacity is maintained.

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

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

The foregoing resolution was declared duly passed and adopted this 8th day of April, 1986 confirming action of the 30th December 1985.

upon being put to a vote, the vote was as follows:

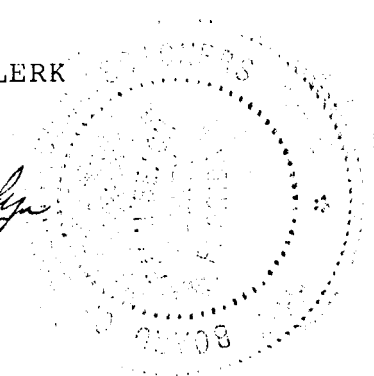
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly **passed** and adopted this **8th day** of **April**, 1986 confirming action of the 30th December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Barbara O'Leary  
County Attorney