

RESOLUTION NO. R- 86-573-7

RESOLUTION APPROVING ZONING PETITION 85-122, 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. 85-122 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 minor site plan modifications, 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 30th of January 1986, that Petition No. 85-122 the petition of JAMES S. AND FLORENCE H. DUDLEY By Paul A. Rhodes, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East; thence South 88 degrees 53'16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the right-of-way map of S.R. No. 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said right-of-way Map, 200.2 feet; thence South 02 degrees 15'15" West along a line that is 200.16 feet East of (as measured at right angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the

Point of Beginning; thence continuing South 02 degrees 15'15" West, 137.00 feet; thence South 88 degrees 53'16" East, parallel with the North line of said Section 9, 75.00 feet; thence North 02 degrees 15'15" East, parallel with the West line of said Section 9, 137.00 feet to the Southerly right-of-way line of Hypoluxo Road; thence North 88 degrees 53'16" West along said Southerly right-of-way line, 75.00 feet to the Point of Beginning, together with the following described parcel:

Commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East, thence South 88 degrees 53'16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the right-of-way map of S.R. No. 9 (I-95), Section 93220-2412, and all bearings stated herein are relative to said right-of-way Map, 275.2 feet; thence South 02 degrees 15'15" West along a line that is 275.15 feet East of (as measured at right angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning; thence continuing South 02 degrees 15'15" West, 137.00 feet; thence South 88 degrees 53'16" East, parallel with the North line of said Section 9, 75.00 feet; thence North 02 degrees 15'15" East, parallel with the West line of said Section 9, 134.95 feet to the Southerly right-of-way line of Hypoluxo Road; thence North 81 degrees 51'25" West along said right-of-way line, 16.75 feet to a point on the Southerly right-of-way line of Hypoluxo Road, said line being 53.00 feet South of (as measured at right angles) and parallel with the North line of said Section 9; thence North 88 degrees 53'16" West continuing along said right-of-way line, 58.33 feet to the Point of Beginning; portions of above described parcels also being described in deeds recorded in Official Record Book 836, Page 610, and Official Record Book 979, Page 298. Said property located on the south side of Hypoluxo Road (S.R. 790) approximately 160 feet east of High Ridge Road and approximately 0.2 mile west of Interstate 95 (S.R. 9) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised

to reflect the following:

- a) A ten (10) foot width dimension for each proposed stacking or bypass lane.
- b) Trees thirty (30) feet on center along the three nonfrontage property lines.

2. Security lighting shall be directed away from all surrounding residences.

3. All facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residential development.

4. 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.

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. 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.

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

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

9. 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.

10. The property owner shall convey for the ultimate right-of-way of Hypoluxo 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.

11. 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 \$6,403.00 (239 trips x \$26.79 per trip).

12. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$3,201.00 toward Palm Beach County's existing Roadway Improvement program, these total funds of (\$9,604.00) to be paid prior to October 1, 1986 or prior to issuance of a Building Permit, whichever shall first occur.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$3,201.00 shall be credited toward the increased Fair Share Fee.

13. 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.

14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Hypoluxo Road.

15. The 6 foot high wall shall be given architectural treatment on

both sides consistent with the front of the building.

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:

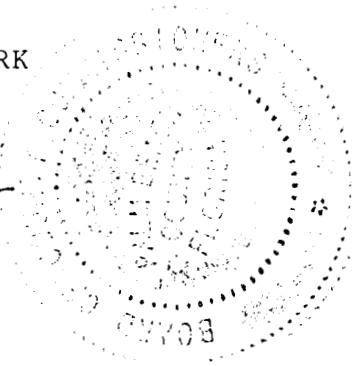
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Spagnoli
County Attorney