

RESOLUTION NO. R- 86-771

RESOLUTION APPROVING ZONING PETITION 85-91, 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. 85-91 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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 22nd of August 1985, that Petition No. 85-91 the petition of ROBERT LEE SHAPIRO By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A MOTEL on the North 575 feet of the South 656 feet of the East 312.59 feet of the West 404.59 feet of Section 23, Township 43 South, Range 42 East, less the North 170 feet of the West 190 feet of the above described land.

Together with a non-exclusive easement for Ingress and Egress over the East 320 feet of the West 724.59 feet of the South 656 feet of said Section 23, and the North 50 feet of the South 131 feet of the West 92 feet of said Section 23, and the North 50 feet of the South 131 feet of Section 22, lying East of Sunshine State Parkway Right-of-way; all lying in Township 43 South, Range 42 East, Reserving, however, the South 50 feet of the above described land as

an easement in favor of grantor, its successors and assigns, for ingress and egress, and an easement over the North 25 feet for drainage purposes and the South 40 feet of the North 65 feet for utility purposes. Said property located on the north side of Okeechobee Boulevard (S.R. 704), approximately 220 feet west of West Drive in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

a) Site data tabular calculations and site plan graphics describing the parking area interior landscaping pursuant to requirements of the landscape code.

b) Repositioning of the front setback line to a measured distance of fifty (50) feet from the inside boundary line of the non-exclusive ingress and egress easement.

c) Relocation of parking stalls and required landscaping from within the utility easement, located in the northernmost position on the site, or the developer shall execute appropriate utility easement agreements with all applicable utility entities in a form acceptable to the County Engineering Department and Zoning Divisions.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within an enclosed service area.

4. All facades of the Motel shall be given architectural treatment consistent with the front of the Motel to avoid an incompatible industrial appearance impact upon nearby residential and commercial developments.

5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.

6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Motel.

7. No parking of any vehicles shall be permitted along the rear of the Motel except in designated spaces or unloading areas.

8. Security lighting shall be directed away from nearby residences.

9. 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.

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

11. 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.

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

Okeechobee Boulevard, 70 feet from centerline (approximately an additional 4 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.

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

14. 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 \$42,764.00.

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$10,688.00 towards roadway improvements in the appropriate Impact Fee Zone. These funds shall be paid prior to January 15, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$10,688.00 shall be credited toward the increased Fair Share Fee.

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

16. The Special Exception shall be null and void if the petitioner does not present a consent acceptable to the County Attorney's office within 90 days of the Board of County Commissioner's hearing.

Commissioner **Spillias**, moved for approval of the petition. The motion was seconded by Commissioner **Wilken**, 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	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of **Kay, 1986** confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Stacia A. Wilken*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stacy Meyer
County Attorney