

RESOLUTION NO. R-84-347

RESOLUTION APPROVING ZONING PETITION ~~83-150~~, 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 482.5 of the **Palm Beach County Zoning Code Ordinance No. 73-2** have been **satisfied**; and

WHEREAS, **Petition No. 83-150** was presented to the Board of **County Commissioners** of **Palm Beach County** at its **public hearing** conducted on **1st December 1983**; and

WHEREAS, the Board of **County Commissioners** has **considered the evidence** and **testimony presented** by the **applicant** and other interested parties and the **recommndatons** of the **various** county review agencies **and** the **recommndat ions** of the **Planning Commission**; and

WHEREAS, the Board of **County Commissioners** made the following findings of fact:

1. **Provided** that floor area **is restricted to limit traffic impacts**, the proposed **development would be consistent with the requirement** of the **Comprehensive Plan**.
2. The proposed development **could** be accommodated to the **subject site in conformity with all subject site in conformity with all zoning Code requirements and in a manner compatible with adjoining properties**.

NOW, THEREFORE, BE IT RESOLVED BY THE BORRD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, **assembled in regular session** this 1st day **December 1383**, that **Petition No. 83-158** the **petition** of **MORRIS F. HUGGINS AND ROLFE HASTINGS** By **Alan J. Ciklin, Esquire**, for a **SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT** on a parcel of 1and **lying in Section 1, Townsh i p 45 South, Range 42 East**, being more particularly described **as follows**:
The South 140 feet of the **East 1/2** of the **Northeast 1/4** of the **Southwest 1/4**, **Less Road Right-of-Way**. Said property located on the west side of **Military Trail (S. R. 809)**, approximately . 2 mile north of

Hypoluxo Road was approved as advertised subject to the following conditions:

1. This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right-of-way for Military Trail, 67 feet from centerline approximately an additional 17 feet within ninety (90) days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
3. This development shall be limited to a maximum of 8,000 square feet of retail use and 12,000 square feet of office space.
4. The developer shall construct at the project's entrance and Military Trail concurrent with a paving and drainage permit issued from the Office of the County Engineer:
 - a) left turn lane, south approach.
 - b) right turn lane, north approach.
5. The developer shall contribute \$1,250.00 per square foot of retail space and \$225.00 per 1,000 square feet of office space toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.
6. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
7. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
8. Prior to certification, the site plan shall be amended to reflect the following:
 - a) relocation of required landscaping outside of the ultimate right-of-way for Military Trail,
 - b) provision of a five-foot wide landscape strip with attendant six-foot high masonry wall along the west property line,
 - c) relocation of loading areas and dumpsters away from the West and North property lines, and
 - d) reconfiguration of the Phase I layout to provide for emergency vehicle turnaround in the west part of Phase II.
9. Prior to site plan approval the developer shall enter into a contract for public sewage service from Palm Beach County.

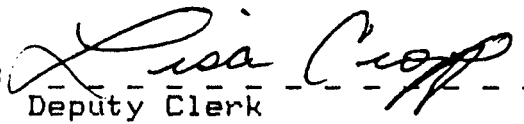
Commissioner **Koehler** , moved for **approval**,
of the petition. The motion , was seconded by Commissioner **Wilken** ,
and upon being **Put to a vote, the vote was**
as follows:

Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and
adopted this **13th day of March, 1984** , confirming action of
1st December 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:  -----
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

 -----
County Attorney