

RESOLUTION NO. R-88-823

RESOLUTION APPROVING ZONING PETITION 84-19, **Special** Except ion

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. 84-19 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23rd February 1984; 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. The proposed special exception 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 23rd day February 1984, that Petition No. 84-13 the petition of ERNEST HEYERLE By Lee Starkey, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the following described parcel :

Being the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East; less the West 68 feet thereof. Said property located on the east side of Carter Road, approximately .2 mile South of Delray West Road (S. R. 806) was approved as advertised subject to the following conditions :

1. 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.
2. Reasonable measures shall be employed during site development to insure that **no pollutants** from this property shall enter adjacent or nearby surface waters.
3. The development shall retain onsite **05%** of the stormwater runoff generated by a three (3) year storm per requirements of the Permit **Section**, Land Development **Division**.
4. The property owner shall convey for the ultimate right of way of Jog/Carter Road, 68 feet from centerline **within 90 days** of approval. The **applicant shall affirmatively establish**, by title opinion, that he is **fully seized in fee simple** of said property, free and **clear** of encumbrances. Provided, however, if any encumbrances exist, applicant **shall obtain** appropriate **releases or subordinations**. Conveyance must be accepted by Palm Beach County **prior** to the issuance of the **first Building Permit**.
5. The Developer shall construct concurrent with onsite paving and drainage **improvements** pursuant to a **paving and drainage** permit issued from the Office of the County Engineer:
  - a. Jog /Carter Road as a **4-lane** undivided section from the southern terminus of the future 4 laning by **Petition No. 81-109, south** to a point 200 feet south of the project's south property **line**.
  - b. On Jog/Carter Road at both projects entrance roads, a left turn lane, north approach, and a **right turn lane**, south approach.
6. The Developer **shall** contribute Seventy-four Thousand One Hundred and **Six Dollars (\$74,106.00)** toward the cost of meeting this project's **direct and identifiable impact**, to be paid **at the time of the building permit**.
7. Prior to **Site Plan Certification**, the developer shall record a cross parking and access agreement between the proposed out **parcel** and surrounding shopping center.
  8. All loading areas shall be restricted to the Northern property **line**.
  9. The Developer shall provide a six (6) foot masonry wall **with eight (8) foot canopy trees** thirty (30) feet on center along the Eastern and Southern property **lines**.

Commissioner **Evatt** , moved for **approval of the petition**.

The motion was seconded by Commissioner **Bailey** , and upon **being put to a vote, the vote was as follows:**

Ken Spi 11 i as, Chairman	--	ABSENT
Dorothy Wil kens, Vice Chairman	--	AYE
Peggy E. Evatt, Member	--	AYE
<b>Dennis</b> P. Koeh 1 er, Member	--	ABSENT
Bi 11 Bai ley, Member-	--	AYE

The foregoing resolution was declared duly passed and

adopted this 19th day of June , 1984 , confirming act ion of  
23-d February 1'384.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Sandie Sloutka  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Chris F. [Signature]  
County Attorney

