

RESOLUTION NO. R- 84-1096

RESOLUTION APPROVING ZONING PETITION 74-82 (A) , **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-Z' have been satisfied; and

WHEREAS, Petition No. 74-82 (A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th March 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day March 1984, that Petition No. 74-82(A) the petition of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, By Peter L. Schneider, Agent, SPECIAL EXCEPTION TO ALLOW A PUBLIC UTILITY SERVICE INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on parcel of land lying and being in Section 9, Township 45 South, Range 43 East, and being more particularly described as follows:

Commencing at the intersection of the center lines of San Castle Boulevard and Hypoluxo Road; the same being the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 9, Township 45 South, Range 43 East, as recorded in Plat Book 26, Page 34, proceed South 89 degrees 43' 08" , East 290.0 feet along the center-line of Hypoluxo Road; thence

South 02 degrees 02'47" West 40.02 feet to the Point of Beginning; said Point of Beginning lying on the Southerly right-of-way line of Hypoluxo Road and being the Northeast corner of Parcel I(d) as described in the Official Record Book 2130, Page 1072; thence South 02 degrees 02'47" West parallel with the Easterly right-of-way line of San Castle Boulevard a distance of 220.0 feet; thence South 89 degrees 43'08" East 60.0 feet, parallel with the Southerly right-of-way line of Hypoluxo Road; thence South 02 degrees 02' 47" West 180.0 feet parallel with the Easterly right-of-way line of San Castle Boulevard to a point being 400.0 feet South of the Southerly right-of-way line of Hypoluxo Road as measured along the Easterly right-of-way line of San Castle Boulevard; thence South 89 degrees 43' 08" East 137.35 feet to the Westerly line of Lots 41 through 45, and Lots 2, 3, and 4, Block 68, Unit 2, Greynolds Highlands Plat Book 13, Page 33, as shown on Plat Book 18, Page 58, Replat of part of Greynolds Highlands and part of Hypoluxo Subdivision, also known as Parcel I(f) as described in Official Record Book 2130, Page 1072, thence North 01 degrees 42' 17" East 27.23 feet to the Northwest corner of said Lot 2, Block 68, Unit 2, Greynolds Highlands; thence South 88 degrees 00' 23" East 119.77 feet along the North line of said Lot 2, Block 68, to the Westerly right-of-way line of Washington Avenue, as recorded in Plat Book 18, Page 58, thence North 01 degrees 42' 17" East along said Westerly right-of-way line of Washington Avenue a distance of 156.15 feet to the Southeast corner of Parcel I (c) as described in Official Record Book 2130, Page 1072, being the same land as described in Official Record Book 1152, Page 399; thence North 89 degrees 43' 08" West along the South line of said Parcel I (c), parallel with the Southerly right-of-way line of Hypoluxo Road, 150.0 feet to the Southwest corner of said Parcel I (c) ; thence North 01 degrees 42' 17" East along the Westerly line of said Parcel I (c), parallel with the Westerly right-of-way line of Washington Avenue 220.0 feet to the Southerly right-of-way line of Hypoluxo Road, being also the Northwest corner of said Parcel I (c); thence North 89 degrees 43' 08" West along the Southerly right-of-way line of Hypoluxo Road 164.77 feet to the Point of Beginning; the above described parcel being the same property

described as:

All of that parcel of land lying and being in Section 9, Township 45 South, Range 43 East lying North of a line 400 feet South of and parallel with the Southerly right-of-way line of Hypoluxo Road as now laid out and in use, lying East of a line 158.8 feet East of and parallel with the centerline of San Castle Boulevard as recorded in Plat Book 26, page 34, and lying West of the Westerly right-of-way line of Washington Avenue as recorded in Plat Book 18, Page 58; less the right-of-way of Hypoluxo Road as now laid out and in use and also less Parcels I(c), I(d), any part of I(e), and I(f), as described in Official Record Book 2138, Page 1872, together with; a parcel of land lying and being in Section 9, Township 45 South, Range 43 East, being more particularly described as follows:

Commencing at the intersection of the centerlines of San Castle Boulevard and Hypoluxo Road; the same being the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 9, Township 45 South, Range 43 East, as recorded in Plat Book 26, Page 34, proceed South 89 degrees 43' 08" East 298.0 feet along the centerline of Hypoluxo Road; thence South 82 degrees 02' 47" West 48.82 feet to the Point of Beginning; said Point of Beginning lying on the Southerly right-of-way line of Hypoluxo Road and being the Northeast corner of Parcel I(d) as described in Official Record Book 2130, Page 1872, thence South 82 degrees 02' 47" West parallel with the Easterly right-of-way line of San Castle Boulevard a distance of 220.0 feet; thence South 89 degrees 43' 08" East 50.0 feet, parallel with the Southerly right-of-way line of Hypoluxo Road; thence South 82 degrees 02' 47" West 188.8 feet parallel with the Easterly right-of-way line of San Castle Boulevard to a point being 400.0 feet South of the Southerly right-of-way line of Hypoluxo Road as measured along the Easterly right-of-way line of San Castle Boulevard; thence North 89 degrees 43' 08" West 200.0 feet parallel with the Southerly right-of-way line of Hypoluxo Road; thence North 82 degrees 02' 47" East parallel with the Easterly right-of-way line of San Castle Boulevard 188.8 feet to the Southerly line of Parcel I(e), as described in Official Record Book 2138, Page 1872, thence South 89 degrees 43' 08"

East parallel with the Southerly right-of-way line of Hypoluxo Road and along the Southerly line of said Parcel I (e) 80.0 feet to the Southeast corner of said Parcel I (e); thence North 82 degrees 02'47" East parallel with the Easterly right-of-way line of San Castle Boulevard and along the Easterly line of said Parcel I (e) 228.8 feet to the Northeast corner of said Parcel I (e), said point lying on the Southerly right-of-way line of Hypoluxo Road; thence South 89 degrees 43'08" East along the Southerly right-of-way line of Hypoluxo Road 60.0 feet to the Point of Beginning; being the same property described as Parcel I (d) in Official Record Book 2130, Page 14172 the same property as that described in Official Record Book 596, Page 241. The above described property, Parcel I and Parcel I I, are subject to an Easement recorded in Official Record Book 748, Page 696. Said property located on the west side of Washington Avenue and on the south side of Hypoluxo Road, approximately .1 mile west of Overlook Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

- 1. The development shall retain onsite 65% of the stormwater 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 of Hypoluxo Road, 54 feet from centerline, approximately an additional 14 feet within 98 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.**
- 3. Reasonable precaution5 shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.**
- 4. Reasonable measures shall be employed during site development to insure that no pollutant5 from this property shall enter adjacent or nearby surface waters.**
- 5. Prior to certification, an overall site plan shall be submitted for the three parcels involved in this development reflecting the following:**
 - a). A six foot high solid masonry wall supplemented by 12' - 14' canopy trees planted at twenty feet on center along the entire southern property boundary, and**
 - b). Preservation of significant existing vegetation.**

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:

Ken Spi 11 i as, Chairman -- AYE
Dorothy Wilkens, Vice Chairman -- AYE
Peggy Evat t, Member -- AYE
Dennis P. Koehler, Member -- AYE
Bi 11 Bai ley, Member -- ABSENT

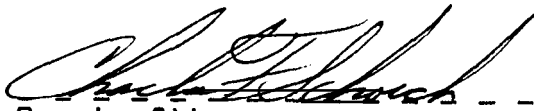
The foregoing resolution was declared duly passed and adopted this 14th day of Aug. , 1984 , confirming action of 29th March 1984.

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