

RESOLUTION NO. R- B68

RESOLUTION APPROVING ZONING PETITION 84-150, 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 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-150 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 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 site plan, with minor modifications, will be consistent with the requirements of the Zoning Code and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-150 the petition of THE SATTER COMPANY, INC. AND LAKE WORTH DRAINAGE DISTRICT By Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots D and E, Block 63; Lot D except the North 19 feet thereof, and all of Lot E, Block 64 of the Palm Beach Farms Company Plat No. 7 of Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Together with Lot A, Block 65, and Lot A, Block 66, less the right-of-way of Sixth Avenue Extension, Palm Beach Farms Company Plat No. 7, as recorded in Plat Book 5, Page 72. Said property located on the northwest corner of intersection of Congress Avenue (S.R. 807) and 6th Avenue South (45th Street North) was approved as advertised subject to the

following conditions:

1. Prior to Site Plan Certification a revised site plan shall be submitted showing the exact location of the three loading bays.
2. 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.
3. The property owner shall convey for the ultimate right of way of:
 - (A) Congress Avenue, 60 feet from centerline (note: this right of way is required because of Utility pole re-location.)
 - (B) Melaleuca Lane, 54 feet from centerline.
 - (C) Congress Avenue and Melaleuca Lane per the "Special Intersections" as shown on the Thoroughfare Right of Way Protection Map.
 - (1) Congress Avenue, 76 feet from centerline.
 - (2) Melaleuca Lane, 64 feet from centerline.

All within 90 days of adoption of the Resolution by the Board of County Commissioners; all conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

4. 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, or within 12 months of approval date by the Board of County Commissioners, whichever shall first occur:

- (A) Melaleuca Lane as a 4-lane median divided section from its present 4-lane terminus west of Congress Avenue, west to the project's west property line, plus the appropriate tapers per the County Engineer's approval.

5. The Developer shall be permitted a median opening on Melaleuca Lane only at the existing platted right of way at project's West property line.

6. The Developer 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. Presently, the Fair Share Fee for this project is \$52,063.00.

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

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$52,063.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds shall be paid within 12 months of the approval date by the Board of County Commissioners. Credit for this total amount shall be credited based upon a certified cost estimate by the developer's engineer for the work as authorized in Condition 9 below to be paid within 12 months of approval date by the Board of County Commissioners.

7. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

8. 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.

9. Funds for construction of the following turn lanes are to be made available upon request by the County Engineer's Office, 90 days after approval by the Board of County Commissioners for:

A) Left turn lanes at the north, south, east and west approaches, at the intersection of Kirk Road and Melaleuca Lane, Palm Beach County shall provide all right-of-way and plans.

10. The developer shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 13, adjacent to the subject property, by quit claim deed or an easement deed in the form provided by said district, if the canal is not piped.

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

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

The foregoing resolution was declared duly passed and adopted this day of **FEB 19 1985** confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney

