

RESOLUTION NO. R-85-298

RESOLUTION APPROVING ZONING PETITION 84-165, 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. 73-22 have been satisfied; and

WHEREAS, Petition No. 84-165 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November 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 proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The Board of County Commissioners finds, as required by Section 720.117, Florida Statutes, that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners. ■

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of November 1984, that Petition No. 84-165 the petition of RONNIE P. PERTNOY By Alan J. Ciklin, Esquire for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the East 368.10 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 43 South, Range 42 East. Less the East 50.00 feet thereof for the Right-of-way for Military Trail (S.R. 809). Said property located on the west side of Military Trail (S.R. 809), approximately .7 mile north of Okeechobee Road (S.R. 704) was approved as advertised subject to the

following conditions:

1. Prior to Site Plan certification, a revised site plan shall be submitted reflecting the following:
 - a) The elimination of two parallel parking stalls along the southwest corner of the property.
 - b) A written commitment for architectural continuity between rear and front building facades where said buildings are adjacent to residential properties.
 - c) In addition to the attendant 6 foot concrete block wall within the required 5 foot landscape strips, 10-12' canopy trees shall be planted 20' on center.
2. 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,
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. Any fuel or chemical storage tanks shall be installed & protected 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.
5. 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.
6. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
7. 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.
8. The property owner shall convey for the ultimate right of way of Military Trail, 60 feet from centerline approximately an additional 10 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.
9. 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 on Military Trail at the project's Entrance Road, a Right Turn Lane, North approach.
10. 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 \$32,525.00.

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 \$16,263.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds to be paid within 4 months of the approval date by the Board of County Commissioners.

Commissioner Evatt , moved for approval of the petition. The motion was seconded by Commissioner Koehler , 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	--	AYE

The foregoing resolution was declared duly passed and adopted this day of , FEB 19 1985 confirmng action of the 1st of November 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

