

RESOLUTION NO. R-85-944

RESOLUTION APPROVING ZONING PETITION 81-98(B), 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. 81-98(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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. This proposal 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 the 25th of April 1985, that Petition No. 81-98(B) the petition of MILITARY TRAIL INVESTORS, LTD. By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-98, TO ALLOW A PLANNED OFFICE BUSINESS PARK, INCLUDING A FINANCIAL INSTITUTION on the West 685 of the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 46 South, Range 42 East, Less the West 45 feet thereof for the Right-of-way for Military Trail, subject to a 20 foot ingress and egress easement over the North 20 feet of the South 25 feet thereof. Said property located on the east side of Military Trail (S.R. 809), approximately .2 mile south of S.W. 12th Street (Linton Boulevard) in a CS--Specialized Commercial District was approved as advertised subject to the following conditions:

1. Loading activities adjacent to areas zoned residential shall be limited to the hours of 8:00 A.M. to 8:00 P.M., Monday through Friday.

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 developer shall construct a Left Turn Lane, North Approach, on Military Trail at the project's North entrance road and a Right Turn Lane, South Approach, on Military Trail at the project's south entrance, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

4. 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:

- a) \$.25 per square feet for General Office
- b) \$.937 per square foot for Medical Office uses
- c) \$18,750 for the proposed bank.

Use of this site shall be limited to office and bank uses only. Any other use shall require Board of County Commissioners' approval.

5. Funds for the four (4) laning of Military Trail (\$79,000) shall be furnished to Palm Beach County prior to April 30, 1985. These funds shall not be credited towards the petitioner's Fair Share Fee as referred to in Condition No. 4 above.

6. 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.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

8. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

Commissioner Spillias, 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 Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of JUN 25 1985 confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney