

RESOLUTION NO. R-85-964

RESOLUTION APPROVING ZONING PETITION 85-47, 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. 85-47 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. 85-47 the petition of TIMOTHY & TRICIA BLASH By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW AN OFFICE WAREHOUSE COMBINATION on all that portion of Tract 37, Block 6, Palm Beach Farms Company Plat No. 3, in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 to 54 inclusive, lying East of the East line of the West 675 feet of said Tract 37 and North of a line described as follows:

Beginning at a point in the East line of said Tract 37, said point being 250 feet Northerly from, (as measured along said East line of Tract 37) the Southeast corner of said Tract 37 and running thence Westerly, a distance of 630.25 feet, more or less, to a point in the East line of the West 360 feet of said Tract 37, said point being 250

feet Northerly from (as measured at right angles to) the North Right-of-Way line of State Road No. 80 as said Right-of-Way is shown in Road Plat Book 2, Page 15. Said property located on the southwest corner of the intersection of Cleary Road and Wallis Street and being bounded on the west by 70th Drive North was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect:

a) the ten thousand square foot building size limitation (Section 610 C.) or variance relief shall be obtained from the Board of Adjustment.

b) relocation of the required landscape hedge out of the 2' landscape strip overhang required for parking stalls along the east and west property lines.

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) Cleary Road, 40 feet from centerline.

b) Wallis Road, 30 feet from centerline.

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

4. The developer shall construct Wallis Road from Cleary Road west to the project's west property line concurrent with onsite paving and drainage improvements, pursuant to a paving and drainage permit issued from the office of the County Engineer.

5. The developer shall be permitted two accesses onto Cleary Road at the project's south property line per the County Engineers Approval.

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 \$2,200.00.

7. 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.

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

9. 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.

10. There shall be no access from this site to 70th Drive North.

11. 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	--	AYE
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 Beaupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Lundy Brazier
County Attorney