

RESOLUTION NO. R- 85-1963

RESOLUTION APPROVING ZONING PETITION 85-114, 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. 85-114 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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. With minor modifications to the site plan or variance relief, this proposal will be 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 30th of September 1985, that Petition No. 85-114 the petition of STEVE S.T. AND MAY S. LIN for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lot A, Block 5, Palm Beach Farms Company Plat No. 7, LESS the North 35 feet thereof, in Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Said property located on the south side of Lake Worth Road (S.R. 802), approximately .3 mile west of Congress Avenue (S.R. 807) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Site plan data calculations including floor area/lot coverage ratio.

b) The petitioner will receive a Board of Adjustment variance for the rear setback requirement.

c) A twenty (20) foot backup distance at the east and west property lines.

d) A six (6) foot solid masonry wall along property lines abutting residential areas. The location of this wall may be varied to accommodate existing tree specimens or chain link fence with hedge material may be used in places where necessary to accommodate existing tree specimens.

2. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.

3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.

5. Security lighting shall be directed away from nearby residences.

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. 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.

9. 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.

10. 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.

11. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

12. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Lake Worth Road.

13. The developer shall be permitted only one entrance to the site from Lake Worth Road.

14. The property owner 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 for time to time be amended. The Fair Share Fee for this project presently is \$14,065.00.

15. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$3,516.00 toward Palm Beach County's existing Roadway Improvement Program, these funds of \$3,516.00 shall be credited toward the increased Fair Share Fee and shall be paid at time of issuance of the first building permit.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of

\$3,516.00 shall be credited toward the increased Fair Share Fee.

16. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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

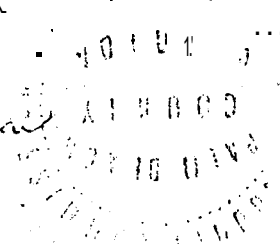
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Heckman
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spingarn
County Attorney

FILED THIS DAY OF
..... DEC. 03 1985 19
AND RECORDED IN
MINUTE BOOK NO. AT
PAGE RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY LH D.C.