

RESOLUTION NO. R- 86-573-10

RESOLUTION APPROVING ZONING PETITION 85-160, Special Exception

WHEREAS, the Board of County Commissioners, as the zoning authority, 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. 85-160 was presented to the Board of County Commissioners of Palm beach County at its public hearing conducted on the 30th January 1986; 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 site plan modifications, 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 January 1986, that Petition No. 85-160 the petition of PETER GLUCK, TRUSTEE AND ALLYN-MAR, INC., By John Trusler, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK beginning at the Point of Intersection of the Westerly Right-of-way line of State Road No. 5 (U.S. Highway No. 1) with the South line of the Northwest 1/4 of Section 4, Township 42 South, Range 43 East, run thence Northeast along said Right-of-way line a distance of 2150 feet to the Point of Beginning:

Thence continue Northeast along said Right-of-way line a distance of 200 feet; thence run Westerly parallel to said south line of the Northwest 1/4 a distance of 509.79 feet to the Northeast corner of the Plat of Guarino Subdivision as recorded in Plat Book 24, Page 26;

thence run Southerly at right angles to preceding course, a distance of 195.58 feet to the Southeast corner of Guarino Subdivision; thence run Easterly, parallel to said South line the Northwest 1/4 a distance of 468.0 feet to a point in said Westerly Right-of-way line of State Road No. 5, the Point of Beginning.

Together with the following described parcel:

A parcel of land in Section 4, Township 42 South, Range 43 East, described as follows:

Commencing at the Point of Intersection of the center line of State Highway No. 4 (U.S. No. 1) with the South line of the Northwest 1/4 of said Section 4; thence Northeast along said center line a distance of 2,350 feet to the Point of Beginning; thence continue along said center line, a distance of 100 feet; thence West along a line parallel to the South line of said Quarter Section a distance of 485.46 feet; thence Southerly parallel with the center line of said State Highway No. 4, a distance of 100.0 feet; thence Easterly along a line parallel to the South line of said Quarter Section, a distance of 485.46 feet to the Point of Beginning.

Subject to Right-of-Way for State Highway No. 4 over the East 40.0 feet. Said property located on the west side of U.S. 1 (S.K. 5), approximately 250 feet north of Holman Road 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) Include both required and proposed interior landscaping calculations within the site data tabular information.
- b) Trees forty (40) feet on center where the six (6) foot wall has been used to satisfy the perimeter landscaping requirement.
- c) A base building line of thirty (30) feet from the center line or a waiver from the County Engineer.
- d) A twenty-five (25) foot setback from the inside edge of the easement.

2. The required six (6) foot high wall shall receive identical architectural treatment on both sides with canopy trees 8'-10' in overall height along property lines abutting residential properties (re: 1.b above). Trees shall be placed on the side of the wall exterior to the site.

3. Security lighting shall be directed away from the surrounding residences.

4. 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.

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

6. The development shall retain onsite 858 of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

7. The property owner shall convey for the ultimate right-of-way of U.S. 1, sixty (60) feet from centerline 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.

8. The property owner shall widen the existing median openings and construct a left turn lane, south approach on U.S. 1 at the project's entrance road or per the Florida Department of Transportation's approval to relocate the project's entrance to align with the existing median opening concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, subject to approval by the Florida Department of Transportation.

9. 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 from time to time be amended. The Fair Share Fee for this project presently is \$23,709.00 (885 trips x \$26.79 per trip).

10. The petitioner shall align the project's south entrances with the existing median opening.

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

12. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto US 1.

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

14. Prior to site plan certification, the property owner shall dedicate to the public an access easement from U.S. 1 at the project's west property line per the County Engineer's and County Attorney's approval, or receive one hundred percent approval of the owners of properties which front on Redbank Road to close this access. If this roadway is closed the petitioner shall abandon the existing plat as recorded in Plat Book 22, Page 46, and provide pedestrian access from Redbank Road to the subject property. The proposed drainage system to the existing fourteen lot subdivision to the west of this property shall be approved by the County Engineer.

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

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

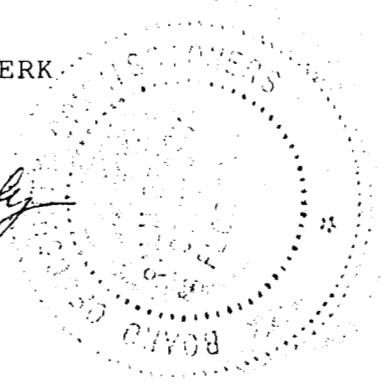
The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January

1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polj
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Grayson
County Attorney