

RESOLUTION NO. R- 86-573-21

RESOLUTION APPROVING ZONING PETITION 86-7, 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. 86-7 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. 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 30th of January 1986, that Petition No. 86-7 the petition of FEDERATEO REALTY, INC., By William R. Boose, III, Attorney for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land being all of Tracts 9 and 10, together with a portion of Tracts 11, 22, 23 and 24, together with a portion of that certain 15 foot road Right-of-way lying Easterly of and adjacent to Tracts 9 and 24, all in Section 21, Township 46 South, Range 42 East, Palm Beach Farms Company, Plat No. 1, according to the plat thereof, as recorded in Plat Book 2, Pages 26 through 28, inclusive, said parcel of land being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 21; thence, bear

South 01 degree 54'12" East, along the East line of the Northwest 1/4 of said Section 21, a distance of 30.01 feet for a Point of Beginning;

Thence, continue South 01 degree 54'12" East, along said line, a distance of 759.30 feet; Thence, South 89 degrees 18'22" West, a distance of 989.60 feet; Thence, North 00 degree 41'38" West, a distance of 706.39 feet to the Southerly Right-of-way line of Lake Worth Drainage District L-34 Canal, as recorded in Deed Book 113, Page 76; thence, North 89 degrees 22'49" East, along said Right-of-way line, a distance of 297.14 feet to the intersection thereof with the West line of said Tract 10; Thence, North 00 degree 53'48" West, along the West line of said Tract 10, a distance of 54.01 feet to the Northwest corner of said Tract 10; Thence, North 89 degrees 22'49" East, along the North line of said Tracts 9 and 10 and its Easterly prolongation, a distance of 677.56 feet to the Point Of Beginning. Said property located on the southwest corner of the intersection of Delray West Road (S.K. 806) and Hagan Ranch Road, and being bounded on the north by the L.W.D.D. Lateral Canal No. 34 was approved as advertised subject to the following conditions:

1. Loading areas located in proximity to any residential areas shall be enclosed with ten (10) foot high wing walls.
2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.
3. Security lighting shall be directed away from nearby residences.
4. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. 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. 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 owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
9. The petitioner shall convey to the Lake Worth Drainage District the required ninety (90) foot right-of-way for Lateral Canal No. 34, as shown on the survey of the subject property, by Quit Claim Deed or

No. 3 prior to Certificate of Occupancy.

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:

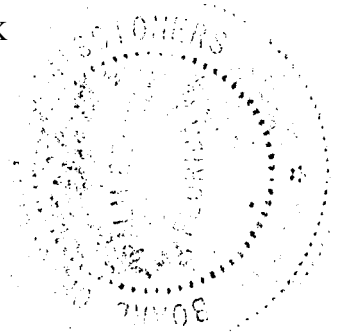
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT
Kenneth M. Adams, Member	--	ABSENT

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'Leary*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Sprague
County Attorney

an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

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 construct on Delray West Road at the Project entrance road:

- a) Left turn lane east approach
- b) Right turn lane west approach
- c) Left turn lane south approach

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

12. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Delray West Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Delray West Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the road drainage runoff for the ultimate Thoroughfare Plan Section and be subject to all governmental agency requirements.

13. 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. The Fair Share Fee for this project presently is \$162,990.00.

14. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute \$81,495.00 toward Palm Beach County's existing Roadway Improvement Program. The monies shall then be used to accelerate the acquisition of the additional right of way for Military Trail from Stiener Road to the present 4-lane terminus of Military Trail North Delray West Road. These monies shall be paid as follows:

- a) total \$244,485.00 of which \$18,000.00 shall be paid within 90 days of the Resolution adoption by the Board of County Commissioners.
- b) The balance \$226,485.00 shall be presented to Palm Beach County in Performance Security acceptable to the County Attorneys Office 90 days after adoption of the Resolution by the Board of County Commissioners.

Palm Beach County may begin to draw upon these funds after 15 months of adoption of the Resolution by the Board of County Commissioners.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$81,495.00 shall be credited toward any increased Fair Share Fee.

15. 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.

16. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Delray West Road.

17. The property owner shall install signalization if warranted as determined by the County Engineer at Delray West Road and the projects entrance road. Should signalization not be warranted after 12 months of the final Certificate of occupancy this property owner shall be relieved from this condition.

18. Minimum landscaping shall be installed as presented on Exhibit