

RESOLUTION NO. R- 86-761

RESOLUTION APPROVING ZONING PETITION 86-28, 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. 86-28 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th March 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 and/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 28th of March 1986, that Petition No. 86-28 the petition of DIXSON TOM-A-TOE COMPANIES, INC., By Jimmie L. Smith, Agent for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL SALES AND SERVICE ENTERPRISE on property described as follows:

Commencing at the Northeast corner of Lot 4 of Tract 39, Township 44 1/2 South, Range 42 East, run thence North 88 degrees 23'52" west along the North line of said Lot 4, also being the centerline of Lantana Road, a distance of 428.00 feet; thence South 26 degrees 29'162" East and parallel with the East line of said Lot 4, a distance of 45.34 feet to a line parallel with and 40 feet Southerly from, measured right angles to, the said North line of Lot 4, and the Point

of Beginning of the hereon described parcel; thence continue South 26 degrees 29'02" East and parallel with East. line of said Lot. 4 a distance of 250.58 feet; thence South 63 degrees 30'58" West a distance of 25.00 feet; thence South 1 degree 34'30" West, a distance of 168.19 feet; then South 46 degrees 34'30" West, a distance of 152.45 feet; thence North 88 degrees 25'30" West a distance of 208.86 feet; thence North 43 degrees 25'30" West, a distance of 97.07 feet; thence North 1 degree 34'30" East, a distance of 216.26 feet; thence North 46 degrees 34'30" East, a distance of 155.71 feet; thence North 1 degree 34'30" East, a distance of 113.96 feet to a point in said line parallel with and 40 feet Southerly from the North line of Lot 4, also being the Southerly Right-of-way line of Lantana Road, thence South 88 degrees 23'52" East. along said parallel line a distance of 179.39 feet to the Point of Beginning. Said property located on the south side of Lantana West Road (S.R. 812), approximately .3 mile west of Jog 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) Required landscaping between the vehicular use areas and the abutting rights-of-way.
- b) A lot coverage and floor area figure of less than 10% or receive variance relief from the Board of Adjustment.
- c) Paved parking and vehicular use areas or receive variance relief from the Board of Adjustment.
- d) The number of employees shall be represented in the site data and one parking stall shall be provided for each employee.

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

3. No parking of any vehicles shall be permitted along the rear of the building except in designated spaces.

4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

5. 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.

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

7. 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.

8. 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.

9. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

10. The property owner shall convey for the ultimate right-of-way of Lantana Road, 54 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.

11. The property owner shall construct a left turn lane, east approach on Lantana Road at the project's entrance road 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 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 \$804.00 (30 trips X \$26.79 per trip).

13. 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.

Commissioner Owens, 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:

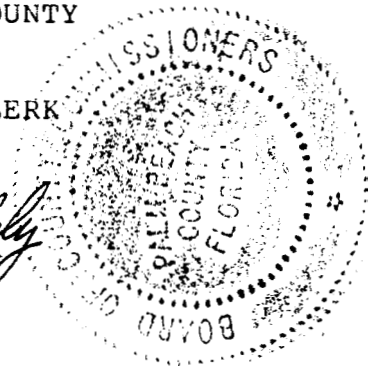
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 27th day of May, 1986 confirming action of the 28th March 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

Andrew Springer  
County Attorney