

RESOLUTION NO. R- 86-763

RESOLUTION APPROVING ZONING PETITION 86-29, 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. 86-29 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. 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 28th of March 1986, that Petition No. 86-29 the petition of LEO R. AND MARY JO BUSTANI for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lot 34, Plat of Square Lake, in Section 24, Township 42 South, Range 42 East, less the East 10 feet as recorded in Official Record Book 2755, page 2270. Said property located on the northwest corner of the intersection of Lillian Avenue and Military Trail (S.R. 809) 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 data tabular information.

2. The required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center.

3. Security lighting shall be directed away from nearby residences.
 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 construct Military Trail as a 3 lane section (to accommodate left turn lanes) from a point 200 feet south of Lillian Avenue to the project's entrance road onto Military Trail plus the appropriate paved tapers per the County Engineers approval concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
 11. 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 \$15,860.00 (592 trips X \$26.79 per trip).
 12. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$3,965.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$19,825.00 to be paid prior to the issuance of a Building Permit or prior to December 31, 1986 whichever shall first occur.
- If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,965.00 shall be credited toward the increased Fair Share Fee.
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.
 14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lillian Avenue and a permit from the Florida Department of Transportation for access onto Military Trail.
 15. The six (6) foot wall shall be supplemented with one (1) 10 foot to 12 foot canopy tree planted a maximum of 30 feet on center.

Commissioner Spillias , 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:

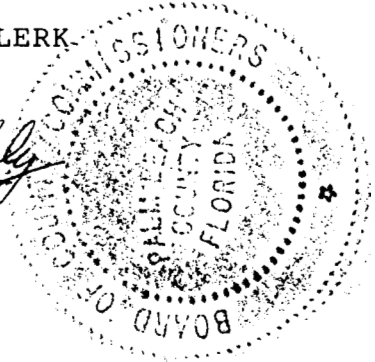
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth Adams, Member	--	AYE

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. Lely*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney