

RESOLUTION NO. R-86-1364

RESOLUTION APPROVING ZONING PETITION 86-42, 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. 86-42 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22 May 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 revisions, 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 22 May 1986, that Petition No. 86-42 the petition of JOHN V. AND ANGELINE CASPANELLO AND ROBERT A. AND ROSEMARIE RABOUD, By Bruce G. Kaleita, Esquire, for the SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK on the West 253.02 feet of Tract J, according to the Plat of San Castle Fourth Addition, in Section 9, Township 45 South, Range 43 East, as recorded in Plat Book 26, Page 34. Said property located on the east side of Seacrest Boulevard (Lincoln Road), approximately .1 mile south of Hypoluxo Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) interior landscaping
- b) landscape strip between vehicular use area and abutting property along north property line
- c) sign setbacks
- d) delineate required interior landscaping treatment

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

3. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree. In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater. Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

4. One loading berth shall be located adjacent to each building.

5. The development shall retain onsite 100% 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.

6. The property owner shall construct Seacrest Boulevard as a 3 lane section plus appropriate tapers from a point 150 feet north of the proposed project entrance road south to the project's south entrance road concurrent with onsite paving and drainage improvements.

7. The property owner shall provide Palm Beach County a road drainage easement through the proposed project prior to site plan approval, or prior to January 1, 1987.

8. 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 \$21,941 (819 trips X \$26.79 per trip).

9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$5,485 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$27,426 are to be paid prior to the issuance of a Building Permit or before July 1, 1987 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 \$5,485 shall be credited toward the increased Fair Share Fee.

10. The petitioner shall convey to Palm Beach County the east 7 acres of "Tract J" prior to Site Plan Certification or before January 1, 1987 whichever shall first occur. The petitioner shall request abandonment of the subject three

(3) acre site as a drainage tract from the Board of County Commissioners prior to Site Plan approval.

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 | -- | ABSENT |
| Dorothy Wilken, Member | -- | AYE |
| Kenneth M. Adams, Member | -- | ABSENT |

The foregoing resolution was declared duly passed and adopted this 9th day Of September, 1986 confirming action of the 22 May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polyz
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Spang
County Attorney