

RESOLUTION NO. R- 87-200

RESOLUTION APPROVING ZONING PETITION 83-140(A), 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 **Nb** 73-2 have been satisfied; and

WHEREAS, Petition No. 83-140(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 28, 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 10th day of February, 1987, that: Petition No. 83-140(A), the petition of SEYMOUR FINE, By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN OFFICE/WAREHOUSE COMBINATION PREVIOUSLY APPROVED OCTOBER 27, 1983 UNDER ZONING PETITION NO. 83-140, BY ADDING A WHOLESALE NURSERY AND GREENHOUSE AND A MODIFICATION OF COMMISSION REQUIREMENTS TO DELETE THE FOLLOWING CONDITION PLACED ON SAID SPECIAL EXCEPTION:

Commissioner Wilken, 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:

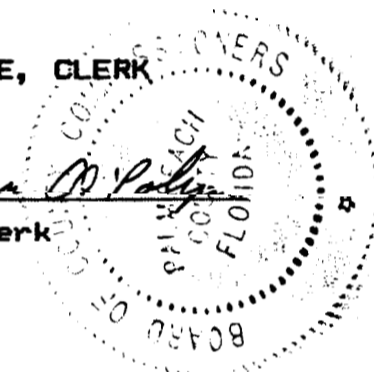
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spilliar	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of August 28, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Bourhan A. Padiya*
Deputy Clerk



APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY

[Signature]
County Attorney

14'18" East, along the North right-of-way line of said 45th Street a distance of 301.88 feet to the Point of Beginning. Less the South 10.0 feet thereof for additional right-of-way, 45th Street. Said property located on the north side of 45th Street, approximately .1 mile west of Military Trail (S.R. 809) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. All conditions of previous approvals shall remain in force unless expressly modified herein.
2. A tree survey shall be submitted so that existing vegetation can be located and that tree preservation can be maximized.
3. additional parking stalls above minimum requirements shall be deleted from the site plan and the area shall be used for further tree preservation.
4. The following conditions shall apply to Phase I:
 - a. No on-site retail or wholesale sales shall be permitted on the site of the proposed nursery.
 - b. 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 6536.00 (Phase I) (20 trips X \$26.79 per trip) to be paid concurrent with Phase I development.
5. The following condition shall apply to Phase II:
 - a. Prior to construction of Phase II, the construction contract for 45th Street shall be let as a 4 lane median divided section from Military Trail to Haverhill Road. A minimum of 17,750 square feet shall be used as office.
6. Condition No. 1 of Petition No. 83-140 which states:

"1. This development shall be limited to office and warehouse use only in order to meet the requirements of the Mandatory Traffic Performance Standards. "

is hereby deleted.
7. Prior to site plan certification, petitioner shall provide a Unity of Title agreement covering the entire site.

CONDITION **NO** 1 STATES:

1 This development shall be limited to office and warehouse use only in order to **meet** the requirements of the Mandatory Traffic Performance Standards.

REQUEST: TO DELETE CONDITION NO. 1

A parcel of land lying in the Northwest 1/4 of Section 1, Township 43 South, Range 42 East, being the East 301.88 feet of Lot 5, less the South 17 feet thereof, of the Adams Subdivision, according to the plat thereof recorded in Plat Book 20, Page 23, being **more** particularly described as follows: Commencing at the North 1/4 section corner of Section 1 aforesaid; thence South 2 degrees 12' 37" West, along the North-South 1/4 Section line of said Section 1 (the North-South 1/4 Section line of said Section 1 is assumed to bear South 2 degrees 12' 37" West and all other bearings are relative thereto) a distance of 1993.09 feet to a point of intersection with the centerline of right-of-way of 45th Street (100 foot right-of-way); thence North 89 degrees 14' 18" West, along the centerline of right-of-way of said 45th Street, a distance of 659.87 feet to a point; thence North 2 degrees 12' 37" East, departing from said centerline of right-of-way, a distance of 50.00 feet to the point of beginning of the herein described parcel, said point being on the North right-of-way line of said 45th Street and the East line of Lot 5 aforesaid; thence continue North 2 degrees 12' 37" East, along the East line of said Lot 5 and departing from the North right-of-way line of said 45th Street, a distance of 577.0 feet to a point, said point being the Northeast corner of said Lot 5; thence North 89 degrees 14' 18" West, along the North line of said Lot 5, a distance of 301.88 feet to a point; thence South 2 degrees 12' 37" West, departing from the North line of said Lot 5, a distance of 577.0 feet to a point lying on the North right-of-way line of said 45th Street; thence South 89 degrees