

RESOLUTION NO. R-84-353

RESOLUTION APPROVING ZONING PETITION 83-156, 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. 83-156 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December 1983; 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. Because of significant traffic impacts upon Military Trail and Okeechobee Boulevard, road improvements will be required in order for this proposal to be consistent with the requirements of the Comprehensive Plan.
2. Provided that a site plan is approved resolving potential adverse impacts upon adjoining residential development; the proposed development could be compatible with the surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day December, 1983, that Petition No. 83-156 the petition of JAMES NEMEC, TRUSTEE By Russell C. Scott, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 33, 34, 35, 36, 37 and 38, as one, according to the Plat of Military Park Nichols Addition, in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 10, Page 80, and that abandoned portion of Alberta Avenue, as shown on said recorded plat, bounded on the East by the West Line of Military Trail and bounded on the West by the West Lines of Lots 7 and 20, according to said Record Plat, if extended, together with:

The East 300 feet of the North 250 feet of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4, Less the East 58 feet for road right-of-way; and the East 6 feet of the West 174 feet of the East 474 feet of the North 245 feet of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 24. Said property located on the on the southwest corner of the intersection of Military Trail (S.R. 809) and Orlando Avenue was approved as advertised subject to the following conditions:

1. This development shall retain 85% of the stormwater runoff generated by a three (3) year requirements of the Permit Section, Land Development Division.
2. The property owner shall convey the ultimate right-of-way for Military Trail, 68 feet from centerline approximately an additional 7 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.
3. The property owner shall convey the ultimate right-of-way for Orlando Avenue, 25 feet from centerline approximately an additional 10 feet within 90 days of approval, conveyance must be accepted by Palm Beach County prior to issuance of first building permits.
4. The developer shall reconstruct Orlando Avenue including drainage from Military Trail west to the project's west property line concurrent with onsite paving and drainage improvements pursuant to the paving and drainage permit issued by the Office of the County Engineer.
5. The developer shall align the project's entrance onto Military Trail with the existing median opening.
6. The developer shall construct on Military Trail at the project's entrance road, a left turn lane, south approach and a right turn lane, north approach concurrent with paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
7. Under the provisions of Ordinance 81-6 this project has been reviewed as Category "B". This project will require roadway improvements to offset the project's impact at the intersection of Okeechobee Boulevard & Military Trail. Based upon the amount of Traffic generated by this development the developer shall contribute Seventy-Nine Thousand Seven Hundred Twenty-Five Dollars (\$79,725.00) toward Palm Beach County's programmed improvement of the Okeechobee Boulevard/Military Trail intersection. This money shall be in the form of a clean irrevocable Letter of Credit within 3 months of Special Exception approval, or as a cash payment of \$73,725 at the time of issuance of a building permit, whichever shall first occur. Palm Beach County may call upon this Letter of Credit 3 months after Special Exception approval.
8. Credit for the "Fair Share" impact fee shall be given for the road construction contribution, as outlined in Condition #7, above.
9. The developer will take reasonable precautions during

the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.

10. The developer will employ measures to prevent runoff of pollutants to any adjacent or nearby surface waters during the development of the property.
11. Prior to certification, the site plan shall reflect the following:
 - a. provision of a six foot high masonry wall supplemented by one canopy tree planted 20 feet on center along the western property line,
 - b. preservation of the existing cypress heads and the incorporation of other significant native vegetation into the landscape plan,
 - c. internalized service courts,
 - d. roof-mounted and screened mechanical equipment, and
 - e. uniform architectural treatment of all building facades.

Commissioner Koehler, 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:

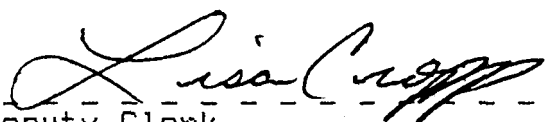
Peggy E. Evatt, Chairman	- -	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dennis P. Koehler, Member	- -	AYE
Dorothy Wilken, Member	- -	NAY
Bill Bailey, Member	- -	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of March, 1984, confirming action of 1st December- 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney