

RESOLUTION NO. R-84-1292

RESOLUTION APPROVING ZONING PETITION 84-50, 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. 84-50 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June 1984; 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. The proposed site plan is consistent with the Zoning Code requirements.
2. Buffering and design requirements must be imposed to minimize impacts of this use on the residential uses east of the site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of June 1984, the petition of FLORIDA REINVESTMENT CORPORATION By Lee Starkey, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Tract A, Westchester Townhouses in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 42 Pages 187-188. Said property located on the northeast corner of the intersection of Military Trail (S.R.809) and Woodstock Drive, approximately 0.8 mile north of Okeechobee Boulevard was approved as advertised subject to the following conditions:

1. Petitioner shall submit plans for connection to water and sewer utilities to the Health Department, prior to certification by Site Plan Review Committee.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. All mechanical and air conditioning equipment shall be roof-mounted and screened.

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

5. Prior to Site Plan Review Committee certification, the site plan shall be amended to reflect the following:

- a. Provision of the required six-foot high solid masonry wall supplemented by 12' - 14' canopy trees planted at twenty feet on center along the east property boundary abutting residential development.
- b. Loading docks and dumpsters shall be located adjacent to the shopping center building and shall be screened by wingwalls at least 10 feet in height.
- c. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
- d. The north, east and south facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible institutional appearance impact upon nearby residential development.

6. The development shall retain onsite 85% of the stormwater runoff generated a three (3) year storm per requirements of the Permit Section, Land Development Division.

7. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline, within 90 days of approval. Conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

8. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer a right turn lane, south approach on Military Trail at the project's entrance road.

9. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property of not become a nuisance to neighboring properties.

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

11. The Developer shall contribute \$40,000.00 toward the cost of meetin this project's direct and identifiabel impact, and in addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$17,600.00 toward Palm Beach County's existing roadway Improvement Program. These total funds shall be deposited with Palm Beach County within six (6) months of approval date by the Board of County Commissioners or prior to the issuance of a building permit, whichever shall first occur.

Commissipner Evatt I moved for approval of the petition. The motion was seconded by Commissioner Koehler , and upon being put to a vote, the vote was as follows:

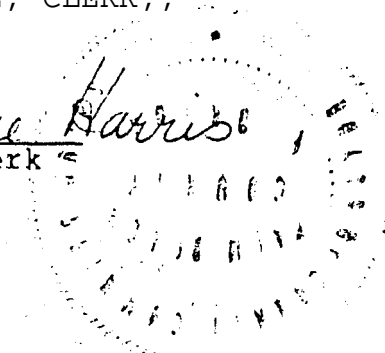
Ken Spillias, Chairman -- ABSENT
Dorothy Wilkens, Vice Chairman -- AYE
Peggy Evatt, Member -- AYE
Dennis P. Koehler, Member -- AYE
Bill Bailey, Member -- AYE

The foregoing resolution was declared duly passed and adopted
this 11th day of September 1984 confirming action of the 28th of June
1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK, , , ,

BY: Charles Harris
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney