

RESOLUTION NO. R-84-1306

RESOLUTION APPROVING ZONING PETITION 84-79, 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. 84-79 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th 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 proposal is consistent with the requirements of the Comprehensive Plan.
2. With minor revisions to the site plan, the proposal is consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of June 1984, RONNIE P. PERTNOY, By Alan J. Ciklin, Agent, for the SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 43 South, Range 42 East, less the East 50 feet thereof for right-of-way of Military Trail as described in Deed Book 903, Page 368. Said property located on the west side of Military Trail (S.R.809), approximately 0.1 mile south of 12th Street was approved as amended, subject to the following conditions:

1. 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.

2. 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.

3. The property owner shall convey for the ultimate right of way of:
a) Military Trail, 60 feet from centerline.
b) Old Military Trail, 30 feet from centerline.

All right of ways to be dedicated within 90 days of approval and conveyances must be accepted by Palm Beach County prior to issuance of first building permit.

4. 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) Left turn lane, south approach on Military Trail at the project's south entrance.
- b) Right turn lane, north approach on Military Trail at the project's north entrance.

5. 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. Presently The Fair Share Fee for this project is \$55,000.00.

In addition, based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$24,000.00 toward Palm Beach County's existing road way Improvement Program to be paid in 6 months. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increased Fair Share Fee.

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

- a. provision of either a ten (10) foot wide seventy-five (75) percent opaque landscape buffer or a five (5) foot wide landscape strip with attendant six (6) foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center along the south and west property boundaries abutting residential development.
- b. enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

7. All mechanical and air conditioning equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

8. The west façade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.

9. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.

10. No storage or placement of any materials, refuse, equipment or accumulated debris in the rear of the shopping center.

11. No parking of any vehicles along the rear of the shopping center except in designated spaces or unloading areas.

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

13. Prior to certification by the Site Plan Review Committee, the petitioner shall submit to the Health Department acceptable plans and applications for sewer connection.

14. 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.

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

Commissioner Evatt, 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:

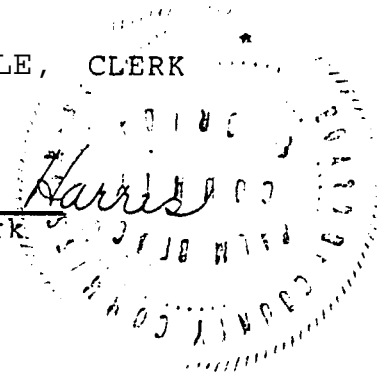
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of *September 11, 1984* confirming action of the 29th of June 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. ...
County Attorney