

RESOLUTION NO. R-84-777

RESOLUTION APPROVING ZONING PETITION 83-175, 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. 83-175 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th January 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 special exception 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 25th day January 1984, that Petition No. 83-175 the petition of DELTA HOLDINGS, INC., By Alan J. Diklin, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on a parcel of land lying in Tract 5, Block 4, Section 12, Township 44 South, Range 42 East, Plat No. 1, Palm Beach Plantations, as recorded in Plat Book 10, Page 20, said parcel of land being more particularly described as follows:

Commencing at the Northeast corner of said Tract 5: thence, South 81 degrees 25'44" East, along the East line of said Tract 5, a distance of 60.07 feet to the intersection thereof with the South right-of-way line

of Forest Hill Boulevard; thence, North 88 degrees 46'56" West, along said South right-of-way line and along a line 60 feet South of, as measured at right angles to the North line of said Tract 5, a distance of 100.00 feet for a Point of Beginning;

Thence, South 01 degrees 29'44" East, along a line parallel with the East line of said Tract 5, a distance of 440.43 feet to a point on the North line of the South 1/4 of said Tract 5; thence, South 88 degrees 45'44" East, along the said North line of the South 1/4 of Tract 5, a distance of 100.00 feet to the Northeast corner of the South 1/4 of said Tract 5; thence, South 01 degrees 29'44" East, along the East line of said Tract 5, a distance of 166.86 feet to the Southeast corner of said Tract 5; thence, North 88 degrees 45'21" West, along the South line of said Tract 5, a distance of 1274.57 feet to the intersection thereof with East right-of-way line of Military Trail (S.R. 809); thence, North 01 degrees 30'18" West, along said East right-of-way line and along a line 60.00 feet East of, as measured at right angles to, the West line of said Tract 5, a distance of 323.43 feet to the intersection thereof with the North line of the South 1/2 of said Tract 5; thence, South 88 degrees 46'07" East, along said North line of the South 1/2 of Tract 5, a distance of 275.14 feet; thence, North 01 degrees 30'18" West, parallel with the West line of said Tract 5, a distance of 273.43 feet to the intersection thereof with the said South right-of-way line of Forest Hill Boulevard; thence, South 88 degrees 46'56" East, along said South right-of-way and along a line 60.00 feet South of, as measured at right angles to, the North line of said Tract 5, a distance of 899.51 feet to the Point of Beginning. Said property located on the east side of Military Trail (S.R. 809) and on the south side of Forest Hill Boulevard was approved as advertised subject to the following conditions:

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey, for the ultimate right-of-way of Military Trail, 60 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 the first Building Permit.
3. The developer shall provide the construction plans for Forest Hill

Bivd. as a 4-lane median-divided section (expandable to a 6-lane section) from the present 4-lane terminus of Forest Hill Boulevard (200 feet West of the entrance of Palm Hill Villas) West to a point 300 feet West of Haverhill Road including drainage and appropriate tapers per the County Engineer's approval. These construction plans shall be completed and approved prior to the issuance of a Building Permit, or within 6 months of Special Exception approval, whichever shall occur first.

4. Construct Forest Hill Boulevard as a 4-lane median divided section from the present 4-lane terminus of Forest Hill Boulevard West of Military Trail West to a point 300 feet west of Haverhill Road as outlined in Condition #3 above. This construction shall be completed and accepted within 12 months of Special Exception approval or prior to the issuance of a Building Permit for construction beyond 50,000 sq. ft. of floor area whichever shall first occur. Should the developer seek to obtain building permits prior to the letting of a contract for the Forest Hill Boulevard road construction, the developer shall post Surety in the amount of \$1.25 per square foot of floor area. These monies shall then be refunded to the developer after completion of this road construction.

5. The developer shall contribute One Hundred and Three Thousand and Thirty-Eight Dollars (\$103,038.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit.

Credit shall be applied toward the impact fee based upon a certified cost estimate for the road plans and construction as outlined in Conditions #3 & #4 above.

6. Prior to site plan 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' to 14' canopy trees planted at twenty feet on center along the South and East property boundaries abutting residential development.

b) enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

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

d) uniform architectural treatment of the shopping center building to avoid a warehouse appearance on any facade facing residentially zoned property.

7. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

9. Dumpsters shall be located within the encasements as shown on site plan Exhibit #18.

10. No storage or placement of any materials, refuse, equipment or accumulated debris shall be allowed 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. The loading areas shall be located near the Western end of the property as shown on the Site Plan Exhibit #18. This area shall be depressed and enclosed with a 10' wing wall.

13. Drainage systems on Military Trail are to be constructed only during the period of April 15 to December 15th to avoid seasonal traffic conflicts.

14. Developer shall preserve existing significant vegetation on site wherever possible into interior parking islands in the landscaped perimeter of the project. Developer shall also take appropriate steps to protect these areas during construction.

Commissioner Koehler, moved for approval of the petition.

The motion was seconded by Commissioner Wilken,

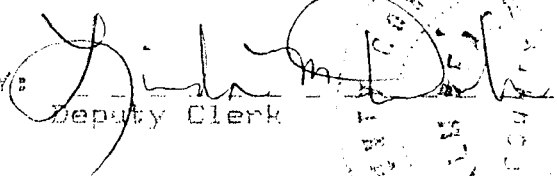
and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	-- AYE
Dorothy H. Wilken, Vice-Chairman	AYE
Peggy B. Evatt	-- ABSENT
Dennis P. Koehler	-- AYE
Bill Bailey	-- ABSENT


The foregoing resolution was declared duly passed and adopted this 12th day of June, 1984, confirming action of 26th January 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

