

RESOLUTION NO. R-85-246

RESOLUTION APPROVING ZONING PETITION 84-15(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 No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-15(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 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 and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-15(A) the petition of NATHAN J. MILLER By John Sanford, Agent, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA INCLUDING A PLANNED COMMERCIAL DEVELOPMENT on the Easterly 430.0 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East, less the Easterly 30.0 feet for Silverthorne Road right-of-way, the Southerly 75.0 feet for Northlake Boulevard (Lake Park West Road) right-of-way; and the Northerly 30.0 feet thereof; together with the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East, less the South 75 feet thereof, for Lake Park West Road right-of-way; **less**

the Easterly 430.0 feet thereof; less the Westerly 30.0 feet thereof;
less the North 30.0 feet thereof;

Commencing at the Southwest corner of said Section 18; thence bear South 88 degrees 01'06" East along the South line of said Section 18, a distance of 1369.87 feet to the East line of the West 30.0 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence, North 02 degrees 06'48" East along said Section line, a distance of 75.00 feet for a Point of Beginning; thence, North 02 degrees 06'48" East, continuing along said line, a distance of 558.10 feet to the South line of the North 30.00 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18, and the South right-of-wayline of a 30.00 foot road right-of-way; thence, South 88 degrees 04'16" East along said line, a distance of 603.49 feet to the West line of the East 30.00 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18 and the West right-of-wayline of Silverthorne Road, a 30.00 foot right-of-way; thence, South 02 degrees 06'01" West, along said line, a distance of 558.65 feet to the North line of the South 75.00 feet of said Section 18 and the North right-of-way line of Northlake Boulevard; thence, North 88 degrees 01'06" West, along said line, a distance of 603.61 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Lake Park West Road (Northlake Boulevard) and Silverthorne Road, being bounded on the west by Sunrise Road in a CG-General Commercial District was approved as advertised subject to the following conditions :

1. Prior to certification by the Site Plan Review Committee the site plan shall be amended to reflect:

- a) the ultimate right-of-way dimension for 91st Street and Northlake Boulevard.
- b) alignment of the western access to the site (from Sunrise Road) shall be aligned with the alley running along the rear of the commercial uses on the west side of Sunrise Road (fronting on Lake Park West Road).

2. All Canopy trees shown on the submitted site plan shall be 10' to 12' in overall height. Hedges shall be placed as shown on the site plan, and hedges along the eastern and northern property lines shall be 30" to 36" in overall height.

3. Dumpsters and Loading bays shall be separated from any nearby residential areas by ten foot high wing walls.

4. All mechanical and air conditioning equipment is to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
5. The rear facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible appearance impact upon nearby residential development.
6. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m..
7. Additional landscaping shall be required to buffer the dumpster from nearby residential areas.
8. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
9. No parking of any vehicles along the rear of the shopping center shall be permitted, except in designated spaces or unloading areas.
10. Security lighting shall be directed away from nearby residences.
11. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.
12. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.
13. The property owner shall convey for the ultimate right of way of Sunrise Road, 30 feet east of the project's west property line within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
14. 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) Sunrise Boulevard from Northlake Boulevard to the project's north property line as a 3-lane section.
 - (B) Left Turn Lane, North approach, on Sunrise Boulevard at Northlake Boulevard.
 - (C) Left Turn Lane, North approach, on Sunrise Boulevard at the project's Entrance Road.
 - (D) Left Turn Lane, South approach, on Silverthorne Road at the Project's Entrance Road.
15. The Developer shall not be permitted access onto Silverthorne Road until this roadway is constructed by the parcel to the east which has the obligation to construct this road.
16. 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 \$103,725.00.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

Based on the amount of traffic generated by this development, the

Developer has agreed to contribute an additional \$71,275.00 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds are to be paid within four months of the approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur. These funds will be used for the widening of the existing Bridge on Northlake Boulevard, over South-North Lake, from four lanes to six lanes. Palm Beach County will design this structure and award the contract for all necessary bridge and roadway improvements with this Developer's Funds. The cost of the design work by Palm Beach County shall be paid for from the above funds.

17. The Petitioner shall provide Palm Beach County with a road drainage easement through this projects internal lake system to legal positive outfall for the road drainage of Sunrise Avenue. This drainage easement shall be subject to all governmental agency requirements.

18. 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.

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

20. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fiber reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.

21. Any toxic or hazardous waste generated at this site shall be properly handled and disposed in accordance with Chapter 17-30 F.A.C.

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

Ken Spillias, Chairman	✓	AYE
Dorothy Wilkens, vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	■	ABSENT
Bill Bailey, Member	✓	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney

