

RESOLUTION NO. R-85-955

RESOLUTION APPROVING ZONING PETITION 85-32, 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. 85-32 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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. With amendments to the site plan, or variance relief, this proposal will be 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 **25th** of April 1985, that Petition No. 85-32 the petition of BAER'S FURNITURE COMPANY, INC. By Paul Parker, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the South 200 feet of the North 621 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809), approximately .4 mile north of Hypoluxo Road was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

3. 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.
4. The property owner shall convey for the ultimate right-of-way of Military Trail, 67 feet from centerline approximately an additional 17 feet, 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.
5. The developer shall construct a left turn lane, south approach on Military Trail at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
6. 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 \$3,075.00.
7. Use of this site shall be limited to a furniture store. Any other use shall be re-approved by the Board of County Commissioners as a separate zoning action.
8. Prior to site plan certification the site plan shall be amended to reflect the following:
 - a) The required paved parking areas, or be granted variance relief by the Board of Adjustment from the paved parking requirement.
 - b) Clear delineation of areas used for cross-access to the property to the south and submittal of all appropriate documents for department's record.
 - c) Required landscaping pursuant to Section 4 of the Landscape Code.
9. The 6' high wall along the west property line shall be supplemented by canopy trees planted 20 feet on center with an overall height at planting of 8'-10' in order to screen adjacent residential areas from the rear of the building and loading zone; or variance relief shall be obtained from the Board of Adjustment from the wall requirement.
10. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
11. The rear facades of the building shall be given architectural treatment consistent with the front of the center to avoid an incompatible appearance impact upon nearby development.
12. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
13. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the building.
14. No parking of any vehicles shall be permitted along the rear of the building except in designated spaces or unloading areas.
15. Security lighting shall be directed away from nearby residentially zoned land.
16. 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 area during site clearing and construction.

17. In addition to the requirements of Condition No. 8, landscaping shall be installed as shown on Exhibit No. 3 of the Petition No. 85-32 file prior to obtaining a Certificate of Occupancy.

18. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney