

RESOLUTION NO. R-85-967

RESOLUTION APPROVING ZONING PETITION 85-49, 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. 85-49 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. This 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 25th of April 1985, that Petition No. 85-49 the petition of RDI ASSOCIATES, By Russell Scott, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Tract 1, a parcel of land as designated by "NOT INCLUDED" on the plat of Kokomo Trailer Subdivision as recorded in Plat Book 25, Page 127, said parcel being bounded on the North by the Northerly boundary fo said Kokomo Trailer Subdivision extended Easterly on the West by Apache Drive, on the South by Kokomo Drive, and on the East by Military Trail (State Road 809), all as shown on said plat of Kokomo Trailer Subdivision, said parcel of land being more particularly described as follows:

Commence at the South 1/4 corner of Section 36, Township 44 South, Range 42 East, thence run North 2 degrees 11'24" East along the East

line of the Southwest 1/4 of said Section 36, a distance of 1108.04 feet to a point of intersection with the Easterly extension of the Northerly boundary of said Kokomo Trailer Subdivision; thence run North 87 degrees 42'08" West along the Easterly extension of the Northerly boundary of said Kokomo Trailer Subdivision a distance of 49.72 feet to a point on the Westerly right-of-way line of said Military Trail, said point being the Point of Beginning of the following described parcel of land thence continue North 87 degrees 42'08" West along the last mentioned course a distance of 163.90 feet to a point on the Easterly right-of-way line of said Apache Drive said point being a Northeast corner of said Kokomo Trailer Subdivision thence run South 2 degrees 19'21" West along the Easterly right-of-way line of said Apache Drive and along an Easterly boundary of said Kokomo Trailer Subdivision a distance of 95.34 feet to a point on the Northerly right-of-way line of said Kokomo Drive; thence run South 87 degrees 40'39" East along the Northerly right-of-way line of said Kokomo Drive and along a Northerly boundary of said Kokomo Trailer Subdivision, a distance of 166.99 feet to a point on the Westerly right-of-way line of said Military Trail said right-of-way line being the arc of a curve concave to the East and having a radius of 2914.93 feet; thence run Northerly along the Westerly right-of-way line of said Military Trail and along the arc of said curve to the right having for its elements a radius of 2914.93 feet, a central angle of 1 degree 52'34" and a chord bearing of North 0 degree 27'53" East an arc distance of 95.45 feet to the Point of Beginning. Together with:

A part of that portion of a parcel of land as designated by "NOT INCLUDED" on the Plat of Kokomo Trailer Subdivision as recorded in Plat Book 25, Page 127, lying West of the East line of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, and being bounded on the North by Kokomo Drive, on the West by Apache Drive, and bounded partially on the East by Military Trail (State Road 809) all as shown on Plat of Kokomo Trailer Subdivision said parcel of land being more particularly described as follows:

Commence at the South 1/4 corner of said Section 36, thence run North

2 degrees 11'24" East, on an assumed bearing, along the East line of the Southwest 1/4 of said Section 36, a distance of 297.42 feet to the point of beginning; thence North 87 degrees 40'39" West, parallel with the right-of-way of Kokomo Drive as shown on said plat, a distance of 215.50 feet to an intersection with the East right-of-way line of said Apache Drive; thence North 2 degrees 19'21" East along the Easterly right-of-way line of said Apache Drive and along an Easterly boundary of said Kokomo Trailer Subdivision a distance of 675.19 feet to a point on the Southerly right-of-way line of said Kokomo Drive; thence run South 87 degrees 40'39" East along the Southerly right-of-way line of said Kokomo Drive and along a boundary line of said Kokomo Trailer Subdivision a distance of 169.21 feet to a point on the Westerly right-of-way line of said Military Trail, said right-of-way line being the arc of a curve concave to the East and having a radius of 2914.93 feet thence run Southeasterly along the Westerly right-of-way line of said Military Trail and along the arc of said curve to the left, having for its elements a radius of 2914.93 feet, a central angle of 7 degrees 10'36" and a chord bearing of South 4 degrees 50'57" East, an arc distance of 365.11 feet to a point of intersection with the East line of the Southwest 1/4 of said Section 36, thence run South 2 degrees 11'24" West along the East line of the Southwest 1/4 of said Section 36, a distance of 313.18 feet to the Point of Beginning. Said property located on the west side of Military Trail (S.R. 809), on the north and south side of Kokomo Drive being bounded on the west by Apache Drive 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-one hour storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right of way of:
  - a) Lantana Road, 54 feet from centerline including the "not included" parcel to the south.
  - b) Military Trail 67 feet from centerline.

All 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.

3. The developer shall construct:

a) Military Trail as a 3-lane section from Lantana Road to Kokomo Drive plus the appropriate tapers.

b) Left turn lane on Military Trail at Kokomo Drive.

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

4. The developer shall be permitted a maximum of 15,500 square feet of retail commercial, until Military Trail has been four (4) laned from Melaluca Lane to Lantana Road.

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 \$21,850.

6. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$10,925.00 toward Palm Beach County's existing Roadway Improvement Program, these total combined funds to be paid within 6 months of the approval date by the Board of County Commissioners.

If the Pair 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.

7. 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.

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

9. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

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

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

12. The rear facades of the building shall be given architectural treatment consistent with the from of the center to avoid an incompatible appearance impact upon nearby development.

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

14. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the building.

15. No parking of any vehicles shall be permitted along the rear of the building except in designated spaces or unloading areas.

16. Security lighting shall be directed away from nearby residentially zoned land.

17. 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

18. Prior to Certificate of Occupancy landscaping shall be installed as presented on Exhibit #3.

19. All buildings shall be limited to one story in height.

20. There shall be no direct access permitted from this site to Apache Drive.

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

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

The foregoing resolution was declared duly passed and adopted this day of <sup>...</sup> 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