

RESOLUTION NO. R- 85-1451

RESOLUTION APPROVING ZONING PETITION 85-90, 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. 85-90 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 minor modification to the site plan, 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 July 1985, that Petition No. 85-90 the petition of RONNIE P. PERTNOY By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots 41 through 47, Nichols Addition No. 2, Military Park in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 10, Page 80. Said property located on the northwest corner of the intersection of Military Trail (S.R. 809) and Orlando Avenue was approved as advertised subject to the following conditions:

1) Prior to site plan certification, the site development plan shall be revised to reflect the following:

a) Removal of the six (6) foot masonry wall and sign from vehicular cross visibility areas.

b) A six foot high solid masonry wall along the west property line with 10-12 foot high canopy trees planted 20 feet on center on the

inside of the wall.

c) Relocation of the parking spaces and sign from within the required safe corner visibility area.

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

3) The north, west and east facades of the one story retail commercial building shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon the adjacent streetscape and nearby residences.

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

5) No storage **or** placement of any materials, refuse, equipment **or** accumulated debris shall be permitted in the rear of the one story retail commercial building.

6) No parking of any vehicles shall be permitted along the rear of the structure except in designated spaces **or** unloading areas.

7) Security lighting shall be directed away from nearby residences, and rights-of-way.

8) Loading bays and dumpsters shall be located away from the residential areas abutting along the west property line.

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) 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.

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

12) 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.

13) 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.

14) The property owner shall convey for the ultimate right-of-way of:

a) Military Trail, 60 feet from centerline,

b) Orlando Avenue, 30 feet from centerline,

All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

15) The property owner shall construct:

a) Orlando Avenue to a local road standard (minimum 20' in width) from Military Trail to the project's west property line,

b) Left Turn Lane West Approach on Orlando Avenue at Military Trail.

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of any or all of this construction based upon a Certified Cost Estimate per the County Engineer's approval.

16) The property owner shall pay a Pair 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. The Fair Share Fee for this project presently is \$21,111.00.

17) The property owner shall not be permitted access onto Military Trail.

18) The property owner shall obtain an on site Drainage Permit from the Palm Beach County Engineering Department section prior to the issuance of a Building Permit. The petitioner shall also obtain approval from the Northern Palm Beach County Water Control District.

19) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Orlando Avenue.

20) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

21) The developer shall relocate the proposed west entrance a distance of 50+/- feet to the east.

22) No structure shall be placed within twenty-five (25) feet of the rear property line of the site. This western twenty-five feet of the site shall be maintained as a landscape buffer, with canopy trees 8' - 10' in overall height, planted 20' on center. There shall also be hedge materials in this buffer of at least 24" in height, of 100 percent opacity.

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

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|--------------------------------|-----|--------|
| 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 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Jean Ann Ellington*
Deputy Clerk

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

85 1451

Sandy Broome
County Attorney