

RESOLUTION NO. R-85-1876J

RESOLUTION APPROVING ZONING PETITION 85-61, 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. 85-61 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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 22nd of August 1985, that Petition No. 85-61 the petition of MARIA RUSSELL AND MADELEN MATSUNO By Alan Ciklin, Attorney, 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 West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4; The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; The West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; less the East 150 feet of the South 195 feet thereof; The South 210 feet of the East 1/2 of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4; The North 120 feet of the South 330 feet of the East 1/4 of the

Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4;
The North 100 feet of the South 430 feet of the East 1/2 of the East
1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4;
And the East 1/2, less the South 430 feet of the East 1/2 of the
Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4;
all being part of Section 24, Township 44 South, Range 42 East, less,
however, the West 15 feet thereof for road right-of-way.

Also, less however, the right-of-way for Lake Worth Road (State Road
802) as recorded in Road Book 5, Pages 133 and 134. Said property
located on the north side of Lake Worth Road approximately .1 mile
east of Military Trail was approved as advertised subject to the
following conditions:

1. 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 areas during site clearing and construction.

2. Prior to site plan certification the plan shall be amended to
reflect the following:

a) Relocation of the Southwest entry in order to preserve the
existing 25' Banyan tree, per County Engineers approval.

b) Site data to include required and proposed amount of interior
landscape area.

c) Parking calculations based upon a net leaseable area with effort
shown for tree preservation areas.

d) A six foot high solid masonry wall along the northern property
line with 10-12 foot high canopy trees planted 20 feet on center on
the inside of the wall.

e) Enclosed loading areas separated from any nearby residential
areas by ten foot high wing walls.

f) A 6 foot chain link fence around the retention pond.

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

4. The north and west and east facades of the shopping center shall
be given architectural treatment consistent with the front of the
center to avoid an incompatible industrial appearance impact upon
nearby development.

5. No stock loading or dumpster pickup will be permitted between the
hours 8:00 p.m. and 8:00 a.m. Access to loading and dumpster area
shall be such that the removal vehicle need not make unnecessary
turning or backing movements.

6. No storage or placement of any materials, refuse, equipment or
accumulated debris shall be permitted in the rear of the shopping
center.

7. No parking of any vehicles shall be permitted along the rear of

the shopping center except in designated spaces or unloading areas.

8. Security lighting shall be directed away from nearby residences.

9. 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.

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

11. 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.

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

14. 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.

15. The property owner shall convey for the ultimate right-of-way of North Price Street, 30 feet from centerline approximately an additional 15 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 the issuance of first Building Permit.

16. The developer shall construct:

a) North Price Street as a 3 lane section from Lake Worth Road to the project's north entrance road, plus appropriate tapers.

b) Signalization when warranted as determined by the County Engineer at the intersection of North Price Street and Lake Worth Road.

c) Left turn lane on Lake Worth Road at the project's west entrance all concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

17. 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. The Fair Share Fee for this project presently is \$266,331.00.

18. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$333,669 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$600,000) are to be paid per Condition No. 22.

19. The Developer shall provide the existing "not included" parcel with a cross access easement prior to site plan certification.

20. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

21. The Developer shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto North Price Street and a permit from the Florida Department of

Transportation for access onto Lake Worth Road.

22. The Property owner shall fund the construction of Military Trail as a 4-lane median divided section from Lake Worth Road to a point 200 feet south of Melaleuca Lane per Palm Beach County's approved construction plans. Funding of this construction by this property owner shall be limited to an amount of \$600,000 as indicated in Condition No. 18. A letter of credit in this amount shall be posted within sixty (60) days of such posting being requested by the County Engineer, but no earlier than August 1986. This letter of credit may then be called upon at any time to let the contract for construction of Military Trail.

It is the intent that Palm Beach County will acquire the additional right-of-way for Military Trail from Lake Worth Road to Melaleuca Lane during the fiscal year 1985-1986. Palm Beach County will then let the contract for construction of this section of Military Trail during the fiscal year 1986-1987. This property owner shall not be eligible to apply for a building permit until the contract for the above mentioned construction is let.

23. Exact copies of all graphics submitted by the Petitioner before the Planning Commission and the Board of County Commissioners shall be made a part of the official file.

24. For cross access points to adjoining outparcels, the developer shall execute a cross access easement prior to site plan review.

25. The existing vegetation along the northern property line shall be preserved. The wall required in condition 2.d) shall be placed so as not to disturb existing significant vegetation. The supplemental tree plantings required in condition 2.d) shall not be required along the northern property line in places where the petitioner can demonstrate to the Site Plan Review Committee that equivalent vegetative screening exists.

26. The restaurants located at this site shall close to the public at 10:00 p.m.

27. The petitioner shall comply with any applicable amendments to the Palm Beach County Landscape Code, if building permits have not been drawn prior to the effective date of such amendments.


Commissioner **Spillias**, 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	--	AIE
Kenneth Spillias, Member	--	AIE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AIE

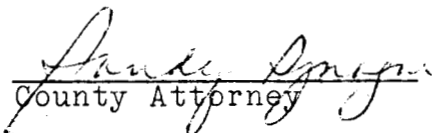
The foregoing resolution was declared duly passed and adopted this *19TH* day of *NOVEMBER 1985* confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

