

RESOLUTION NO. R-85-1961

RESOLUTION APPROVING ZONING PETITION 85-97, 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. 85-97 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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 30th of September 1985, that Petition No. 85-97 the petition of FOREST HILL GOLF, INC., 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 North 445.1 feet of the East 1/4 of Lot 5, and the North 445.1 feet of Lot 6, Block 4, Palm Beach Plantations, LESS the North 60 feet, as measured at right angles, for the Right-of-way of Forest Hill Boulevard in Section 7, Township 44 South, Range 43 East. Said property located on the south side of Forest Hill Boulevard (S.R. 882), approximately .2 mile west of Congress Avenue (S.R. 807) was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to

reflect the following:

- a) Minimum acreage requirements pursuant to Code Section 610.D.1, for Fee Simple Outparcels.
 - b) A minimum dimension of five (5) feet for required interior landscape islands.
 - c) Labeled and graphic representation of required landscape treatment.
 - d) A minimum twenty-five (25) foot off-street maneuvering aisle dimension
 - e) Relocation of the two handicapped parking spaces located adjacent to the southwest corner of out parcel B, and the southern most parking space abutting the west boundary of outparcel B.
 - f) If parking spaces are lost the building square footage shall be reduced.
 - g) Accurate delineation and dimensions of parking stall and circulation aisles.
 - h) Pedestrian and/or bicycle access linkage between this site and the site of the P.R.D. to the south.
2. The petitioner shall adhere to applicable requirements pursuant to the Palm Beach County Subdivision Ordinance.
 3. A six foot high solid masonry wall shall be constructed along the south, west, and east property line with 10-12 foot high canopy trees planted 25 feet on center on the inside of the wall.
 4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
 5. The south, 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 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. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
 8. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
 9. Security lighting shall be directed away from nearby residences.
 10. 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.
 11. 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.
 12. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
 13. 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.

14. 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.

15. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

16. The following representations shall bind the property owner and all successors in title to this property.

a) The property owner shall make any needed off-site modifications to water and sewer collector lines and lift stations, which may be required to serve this project.

b) The property owner shall not commence the construction of any buildings on the subject property until such time as the moratorium on water and sewer service is lifted.

17. 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.

18. The property owner shall construct a left turn lane east approach on Forest Hill Boulevard at the project's east entrance 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 this construction based upon a Certified Cost Estimate per the County Engineer's approval.

19. 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.

20. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Forest Hill Boulevard.

21. Surety required for the offsite road improvements shall be posted with the Office of the County Engineer prior to December 31, 1985.

22. The property owner shall provide construction plans for Forest Hill Boulevard as a six (6) lane section including curbing and gutter from Congress Avenue to Kirk Road plus the appropriate tapers. These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed within six (6) months of Special Exception Approval. Construction plan costs shall be per the County Engineer's approval.

23. The property owner shall construct Forest Hill Boulevard as a six (6) lane section including curbing and gutter from Congress Avenue to Kirk Road. This construction shall commence within nine (9) months of approval or prior to the issuance of building permits for more than 33,000 square feet whichever shall first occur.

24. Credit for the impact fee shall be given for the construction plans and construction of Forest Hill Boulevard as outlined in Conditions No. 22 and No. 23.

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

26. The property owner 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 \$229,920.00.

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$55,730.00 towards roadway improvements in the appropriate Impact Fee Zone. These funds shall be paid prior to February 1, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$55,730.00 shall be credited toward the increased Fair Share Fee,

27. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioners public hearings shall be submitted to the Zoning Division for inclusion into the permanent petition file.

Commissioner **Marcus** , 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:

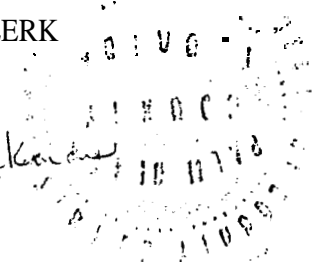
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	NAY
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Frank C. Heckard
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

James Amador
County Attorney

FILED THIS DAY OF
..... DEC. 03, 1985
AND RECORDED IN
MINUTE BOOK NO. AT
PAGE RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY EH D.C.