

RESOLUTION NO. R-86-126

RESOLUTION APPROVING ZONING PETITION 85-137, 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. 85-137 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 site plan modification, 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 30th of October 1985, that Petition No. 85-137 the petition of SIL-FIR CORPORATION By John Sanford, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the Easterly 474.02 feet of the South 330 feet of the Southwest 1/4 of Section 13, Township 43 South, Range 42 East, LESS the Easterly 50 feet thereof as Right-of-way for Military Trail. Said property located on the northwest corner of the intersection of Military Trail (S.R. 809) and 12th Street 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 parking lot interior landscaping, including site data computations reflecting the minimum requirement and the amount of

interior landscaping proposed.

b) Perimeter landscaping between off-street parking and abutting rights-of-way.

c) A six foot high solid masonry wall along the north and west property line. Said wall shall not encroach upon the required five (5) foot landscape strips and safe corner along the east and south property lines.

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

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 and west 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.

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 shopping center.

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

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

8. 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.

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 development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 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 (including the "safe corner" at 12th Street and Military Trail) from centerline,

15. The property owner shall construct:

a) right turn lane, north approach on Military Trail at the project's entrance road,

b) left turn lane, west approach and a right turn lane, east approach on 12th Street at the project's entrance road, this construction shall include reconstruction of the existing sidewalk and curb and gutter.

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

16. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Imp-ovements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$88,407.00 (3,300 trips X \$26.79 per trip).

17. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$22,102.00 toward Palm Beach County's existing Roadway Improvement Program, these total 'funds of \$110,509.00 to be paid prior to October 1, 1986 or prior to the issuance of a Building Permit, whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$22,102.00 shall be credited toward the increased Fair Share Fee.

18. The property owner shall relocate the proposed access onto Military Trail to the project's north property line or the developer shall be responsible for median modifications adjacent to this site on Military Trail 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 application of a Building Permit.

20. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto 12th Street and a permit from the Florida Department of Transportation for access onto Military Trail.

21. The property owner shall contribute pro rata cost of signalization if warranted as determined by the County Engineer at Military Trail and 12th Street. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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

23. 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.

24. Minimum landscaping shall be installed as shown on graphics presented at the public hearing before the Planning Commission and the Board of County Commissioners.

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	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted  
this day of FEB 11 1986 confirming action of the 30th October  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: John Gray Ellington  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Agre  
County Attorney