

RESOLUTION NO. R- 86-212

RESOLUTION APPROVING ZONING PETITION 75-99(A), 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. 75-99(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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 site plan modification, and phasing controls linked to thoroughfare improvements, 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 2nd of December 1985, that Petition No. 75-99(A) the petition of DEVELOPMENT PARTNERS, INC., By Richard Reikenis, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT (COMMERCIAL AND RETAIL SHOPPING CENTER), INCLUDING A SEWAGE TREATMENT PLANT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-99, TO INCREASE THE TOTAL BUILDING AREA AND TO DELETE THE SEWAGE TREATMENT PLANT on all of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, excepting therefrom those certain portions or parcels thereof heretofore conveyed by Deeds of Record in Deed Book 837, Page 385, as corrected in Official Record Book 374, Page 415, Deed Book 1078, Page

274 and Deed Book 623, Page 328; Official Record Book 822, Page 556; and Official Record Book 1318, Page 571;

Also LESS a certain portion thereof, now leased to Phillips Petroleum Company, said portion being approximately the South 241 feet of the West 200 feet of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; Also LESS and except that parcel conveyed to Florida Power & Light Company, described as follows:

A parcel of land in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence North 89 degrees 45'53" East along the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 10.63 feet to a Point in the Easterly Right-of-Way line of Military trail (S.R. 809) and the Point of Beginning, said point being the Southwest corner of the parcel of land herein described:

Thence North 0 degree 57'57" West along the said Easterly Right-of-Way line of Military Trail (S.R. 809), a distance of 250.00 feet to a point; thence North 89 degrees 45'53" East, a distance of 329.69 feet to a point; thence South 0 degree 57'57" East, a distance of 250.00 feet to a point in the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence South 89 degrees 45'53" West along the said South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 329.69 feet to the Point of Beginning; said excepted parcel containing 1.89 acres, more or less;

Also LESS a parcel of land more particularly described as follows:

Commencing at a point in the North Right-of-Way line of State Road 806 (Delray Vest Road) which point is the Southeast corner of lands owned by First Federal Savings and Loan Association of Delray Beach as described in that Deed recorded in Official Record Book 2121, Page 738, then run Easterly along the North Right-of-Way line of State Road 806, a distance of 250 feet to a point; then run Northerly parallel to the North-South 1/4 Section line, a distance of 217 feet;

then run West parallel to the North Right-of-Way line of State Road 806, a distance of 410 feet, more or less, to a point in the Last Right-of-way line of State Road 809 (Military Trail); then run South along the East Right-of-Way line of State Road 809, a distance of 50 feet, more or less, to the Northwest corner of lands owned by said First Federal Savings and Loan Association of Delray Beach described in Official Record Book 2121, Page 738; then run East along the North boundary of said lands owned by First Federal Savings and Loan Association of Delray Beach, a distance of 160 feet, more or less to the Northeast corner of said lands owned by First Federal Savings and Loan Association of Delray Beach aforesaid; then run South along the South boundary of said lands owned by First Federal Savings and Loan Association of Delray Beach aforesaid to the Point of Beginning; also containing a parcel of land more particularly described as follows:

A parcel of land in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, more particularly described as follows:

Commence at the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East; thence North 89 degrees 45'53" East along the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 10.63 feet to a point in the Easterly Right-of-Way line of Military Trail (S.R. 809) 2nd the Point of Beginning, said point being the Southwest corner of the parcel of land herein described; thence North 0 degree 57'57" West along the said Easterly Right-of-Way line of Military Trail (S.R. 809), a distance of 250.00 feet to a point; thence North 89 degrees 45'53" East, a distance of 329.69 feet to a point; thence South 0 degree 57'57" East, a distance of 250.00 feet to a point in the South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence South 85 degrees 45'53" West along the said South line of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 13, a distance of 329.69 feet to the Point of Beginning.

Together with:

A parcel of land in the Northwest 1/2 of the Southwest 1/4 of Section

13, Township 46 South, Range 42 East, more particularly described as follows:

Beginning at the intersection of the East line of the Northwest 1/2 of the Southwest 1/4 of Section 13, and the North Right-of-Way of a 106 foot roadway known as State Road 806 (Delray West Road); thence North 0 degree 00'37" East, along the East line of said Northwest 1/2 of the Southwest 1/4, a distance of 628.05 feet to the Point of Beginning; thence North 89 degrees 20'11" West, a distance of 248.34 feet; thence North 0 degree 00'37" East, a distance of 85.84 feet; thence North 89 degrees 20'11" West, a distance of 159.97 feet; thence South 41 degrees 15'13" East, a distance of 22.20 feet; thence South 47 degrees 00'37" West, a distance of 105.02 feet; thence South 51 degrees 20'57" West, a distance of 81.15 feet; thence South 69 degrees 09'07" West, a distance of 57.35 feet; thence South 85 degrees 45'52" West, a distance of 122.3 feet; thence North 68 degrees 26'53" West, a distance of 38.30 feet; thence South 89 degrees 46'20" West, a distance of 260.06 feet; thence North 0 degree 00'53" East, a distance of 58.95 feet; thence South 89 degrees 46'20" West, a distance of 312.73 feet; thence North 0 degree 57'59" West, a distance of 697.48 feet; thence North 89 degrees 46'05" East, a distance of 1329.68 feet; thence South 0 degree 00'37" West, a distance of 695.63 feet to the Point of Beginning, less the West 10 feet as additional Right-of-Way for Military Trail. Said property located on the north side of Atlantic Avenue (S.R. 806) being bounded on the west by Military Trail (S.R. 809) and on the north by L.W.D.D. Lateral Canal No. 33 in a CG-General Commercial District 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) Conformance with the Landscape Code Interior Landscaping Requirements.

b) The required five (5) spaces per one thousand square feet of total leasable floor area. Any reduction in the required number of parking spaces shall result in a reduction of building square footage.

c) Traffic channelization conforming to sound site planning standards.

2. 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.

3. Security lighting shall be directed away from nearby residences.
4. NO parking of any vehicles shall be permitted along the rear of the site except in designated spaces or unloading areas.
5. 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.
6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
7. 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.
8. 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.
9. The developer shall continue to comply with all previously approved conditions of Petition 75-99.
10. 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.
11. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline 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.
12. The property owner shall construct a left turn lane, north approach and a right turn lane, south approach on Military Trail at both project's entrance roads concurrent with the construction of the project's entrance roads onto Military Trail.
13. 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 \$236,797.00 (8,839 trips X \$26.79 per trip). This Fair Share Fee represents 218,200 square feet of commercial.
14. Eased on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$118,398.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$355,194.00 to be paid prior to October 1, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$118,398 shall be credited toward the increased Fair Share Fee.
15. 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.
16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Military Trail.
17. The petitioner shall present a notarized Affidavit of Disclosure

at the Zoning Authority meeting.

18. The site plan shall be revised to recognize the recorded reciprocal parking easement agreement on the site.

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

20. All facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby planned residential, commercial, and industrial developments.

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

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

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Ziegen
County Attorney