

RESOLUTION NO. R-86-222

RESOLUTION APPROVING ZONING PETITION 85-95(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. 85-95(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. 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 2nd of December 1985, that Petition No. 85-95(A) the petition of BERNSTEIN-GLADES ASSOCIATES, LTD., By Howard Bernstein, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER, IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on Tract 93, less the West 150 feet and less the South 40 feet, and Tract 94 less the East 60 feet and less the South 40 feet of Block 77, Palm Beach Farms Company Plat No. 3, in Section 18, Township 47 South, Range 42 East, as recorded in Plat Book 2, Page 53. Said property located on the north side of Glades Road (S.R. 808), approximately 700 feet west of Lyons Road 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) One tree every 40 linear feet shall be provided along the eastern property line.

b) Prior to site plan certification, the developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation specifically in the central eastern and northwestern portion of the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

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 facade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible 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 and rights of way.

8. 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.

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

10. 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.

11. 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.

12. The development shall retain on-site 100% of the stormwater runoff generated by a three (3) year 24 hour storm per requirements of the Permit Section, Land Development Division. Any drainage system shall be maintained in a condition acceptable to the County Engineer.

13. The property owner shall convey for the ultimate right-of-way of Glades Road, 80 feet north of the baseline of survey, 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.

14. This project shall be limited to the following phasing plan in order to meet the mandatory Traffic Performance Standards:

a) There shall be no more than 20,670 square feet of gross building area until the contract for Glades Road has been let as a 4-lane median divided section from Lyons Road to SR 7.

b) There shall be no more than 50,200 square feet of gross building area until the contract for SR 7 has been let as a 4-lane median divided section from Glades Road to Palmetto Park Road.

c) There shall be no more than 23,425 square feet of gross building area until the contract for Lyons Road has been let as a 4-lane median divided section from Glades Road to Kimberly Road.

d) There shall be no more than 24,000 square feet of gross building area until twelve months after the contract has been let for the construction of the entire section of Palmetto Park Road from S.R. 7 to Florida's Turnpike.

15. This project shall be limited to 72,000 square feet of General Commercial uses upon the final buildout of the project. A minimum of 16,000 square feet shall be devoted to office uses.

16. The property owner shall construct a right turn lane east approach on Glades Road at both project's entrances 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.

17. 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 \$153,506.00.

18. Eased on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$38,377.00 towards roadway improvements in the appropriate Impact Fee Zone. These total funds of \$191,883.00 shall be paid prior to April 1, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$38,377.00 shall be credited toward the increased Fair Share Fee.

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 Glades Road.

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

22. 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 in the permanent file, prior to site plan certification.

23. The petitioner shall place a six foot solid wall along the northern property line with supplemental tree plantings as shown on the site plan.

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

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: Sandie McLaughlin  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Audrey Brown  
County Attorney