

RESOLUTION NO. R-86-467

RESOLUTION APPROVING ZONING PETITION 85-72(A), Modification

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. 85-72(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th 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 30th of December 1985, that Petition No. 85-72(A) the petition of FAMILY WORSHIP CENTER, By James Cain, Agent, to MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 85-72 APPROVED ON JUNE 28, 1985.

CONDITION NO. 15 STATES:

All existing native vegetation shall be preserved within a 50 foot buffer along the Joy Road frontage.

REQUEST: TO DELETE CONDITION NO. 15.

REQUEST: TO ADD CONDITION NO. 18 TO READ:

The existing garage building may be used for worship services by the congregation until the church building is completed.

Said property located on the west side of Joy Road, approximately .4 mile south of Southern Boulevard (S.R. 80) in an RE-Residential

approach; right turn lane, south approach; left turn lane, east approach.

b) At Military Trail and project's entrance road, a left turn lane, north approach and a right turn lane, south approach.

c) Miner Road along project entrances per the County Engineer's approval as a 2-12 foot travel lanes including appropriate drainage.

16. Upon the abandonment of White Feather Trail, the developer shall construct White Feather Trail on an alignment approved by the County Engineer concurrent with the development of this project or concurrent with the 4-laning of Military Trail, whichever shall first occur. This construction shall be to local street standards (2-10 foot travel lanes) including appropriate drainage.

17. To comply with the Mandatory Traffic Performance Standards, this project shall not be issued building permits for more than 31,980 square feet of floor area until the Military Trail construction contract as a 4-lane median divided section from Hypoluxo Road to Boynton Beach Boulevard has been let.

18. The developer shall be permitted only one access onto Military Trail, a distance of 720 feet north of the project's south property line until Military Trail is constructed as a 4 lane median divided section. Once this construction is completed, the property owner shall be permitted only 2 additional accesses onto Military Trail per the County Engineer's approval. There shall be no access onto Old Military Trail.

19. 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 \$243,789.00 (9,100 trips x \$26.79 per trip).

20. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$121,895.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$365,684.00) shall be submitted no later than January 1, 1987 or prior to the issuance of the first building permit, to Palm Beach County in the form of a Letter of Credit which can be drawn upon when requested at any time by the County Engineer.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$121,895.00 shall be credited toward the increased Fair Share Fee.

21. 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.

22. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Military Trail.

23. The property owner shall install signalization if warranted as determined by the County Engineer at Miner Road and Military Trail. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

24. The petitioner shall convey to the Lake Worth Drainage District the North 40.00 feet of the subject property for the required right-of-way for Lateral Canal No. 20, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

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

26. Loading at the site shall be limited from 7:00 A.M. to 6:00 P.M.
27. Dumpster pickups at this site shall be limited to the hours from 7:00 A.M. to 6:00 P.M.
28. The petitioner shall submit exact copies of the plan and section graphics presented at the public hearings to the Zoning Division for inclusion into the permanent file. Petitioner shall install landscaping along southeasterly property lines as shown in the buffer planting plan.
29. Both sides of the buffer wall shall be given architectural treatment consistent with the front of the shopping center.
30. Landscape islands shall be created along the rear wall of the center (the facades oriented to the southeast), and such islands shall contain canopy trees 8' to 10' in overall height. The minimum number of trees to be clustered in these islands shall be established using a ratio of one tree for each 30 lineal feet of southerly and easterly oriented facade.
31. Bars and lounges, except as part of a restaurant; video game rooms, coin operated laundromats, flea markets and freestanding liquor stores shall not be permitted on this site.
32. The southern and northern outparcels may not be utilized for fast food type restaurants.
33. The anchor store shall not be a discount or wholesale general merchandise store.
34. Mechanical and air conditioning equipment shall be roof mounted and screened with parapets, or if placed at ground level, fully screened visually from rights-of-way and adjacent properties.

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

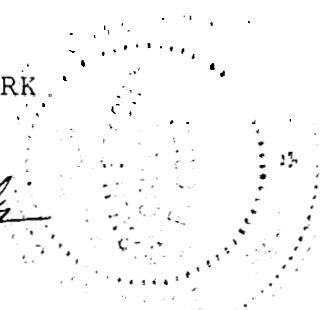
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this 8th day of April, 1986 confirming action of the 3rd January 1986.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Reilly  
 Deputy Clerk



APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY

Linda Brown  
 County Attorney