

RESOLUTION NO. R- 86-472

RESOLUTION APPROVING ZONING PETITION 85-145, 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. 85-145 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. With minor site plan modifications, 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 COMMISSICNERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of December 1985, that Petition No. 85-145 the petition of ELLA AFFRON, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the West 415 feet of the South 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 44 South, Range 42 East; LESS the South 273 feet thereof; and LESS the West 53 feet thereof. Said property located on the east side of Military Trail (S.R. 809), approximately 250 feet north of Park Avenue was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan will be revised to reflect the following:

- a) An access dimension of less than thirty-five (35) feet.
- b) Include both required and proposed interior landscaping calculation.
- c) A six foot solid masonry wall along the property lines abutting residential areas. The wall shall be given arhitectural treatment on

both sides consistent with the front of the center and shall be supplemented with minimum of one (1) 10-12 foot canopy tree planted 30 feet on center.

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

4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

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

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

7. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. 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. 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. 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.

12. The property owner shall convey for the ultimate right of way of Dale Road, (total 60 feet) 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.

13. The property owner shall construct:

a) Dale Road from Military Trail east to Kirk Road (This construction shall be to local street standards including appropriate drainage and a minimum 2-10 foot travel lanes), concurrent with or immediately following installation of sewer lines on Dale Road by the Village of Palm Springs, and surety acceptable to the County Attorney's Office for this construction shall be posted prior to October 1, 1986,

b) Right turn lane, west approach on Dale Road at project entrance road

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

14. 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 \$85,728.00 (3,200 trips x \$26.79 per trip), or prior to issuance of a building permit, whichever shall first occur.

15. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$21,432.00 toward palm Beach County's existing Roadway Improvement Program, 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 \$21,432.00 shall be credited toward the increased Fair Share Fee.

16. The property owner shall provide for pedestrian access from this site and the proposed trailer park to the east per the County Engineer's approval.

17. 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.

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

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

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 residential development.

Commissioner Owens, 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:

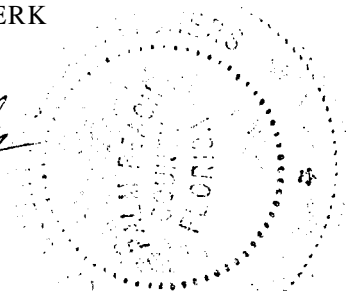
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 8th day of April, 1986 confirming action of the 30th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Leary*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY