

RESOLUTION APPROVING ZONING PETITION 85-176, 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. 85-176 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 January 1986, that Petition No. 85-176 the petition of ANTHONY AND PHYLLIS GINA LO CASTRO, AND CLYDE AND CATHERINE MOORE, By F. Martin Perry, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COPIKERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS, AND GASOLINE PUMP ISLAND FACILITIES on Tract 41 and 42, Block 34, Palm Beach Farm Company, Plat No. 3, in Section 31, Township 44 South, Range 42 East, Less Road Right-of-Way (Lantana Road), as recorded in Plat Book 2, Pages 45 through 54, inclusive. Said property located on the northeast corner of the intersection of Lantana Road (S.R. 812) and U.S. 441 (S.R. 7) was approved as

advertised subject to the following conditions:

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.
 2. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas.
 3. Security lighting shall be directed away from nearby residences.
 4. 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.
 5. 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.
 6. 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.
 7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
 8. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
 9. The petitioner shall convey to the Lake Worth Drainage District the West 45 feet of Tract 41, Block 34, Palm Beach Farms Co. Plat No. 3 for the required right-of-way for Equalizing Canal No. 1, 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.
 10. 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. This drainage system shall be maintained in a condition acceptable to the County Engineer.
 11. The property owner shall convey for the ultimate right of way for:
 - a) Lantana Road, 54 feet from centerline (approximately an additional 14 feet)
 - b) The construction of a right turn lane, east approach at the project's east entrance and Lantana Road,
 - c) Additional right-of-way as required for the expanded intersection as outlined in Condition No. 21 below per the County Engineer's approval. All within 90 days of adoption of the Resolution by the Board of County Commissioners.
- The minimum length of this additional right-of-way shall be 150; 12 feet in width plus 180 feet taper length. Conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
12. The property owner shall construct left and right turn lanes on all approaches for each of the project's entrance roads on both SR 7 and Lantana Road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
 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 would presently be \$218,848.00 (8,169 trips X \$26.79 per trig).

14. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$54,712.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$273,560.00) to be paid prior to January 1, 1987.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$54,712.00 shall be credited toward the increased Fair Share Fee. Credit for the construction of Lantana Road as outlined in Condition No.18, No.19, No.20, and No.21 shall be credited toward this impact fee.

15. Access onto SR 7 shall be per the Florida Department of Transportation and Palm Beach County Engineering Department approval.

16. 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.

17. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lantana Road and a permit from the Florida Department of Transportation for access onto SR 7.

18. The property owner shall provide construction plans for Lantana Road as a 4 lane median divided section (expandable to 6 lanes from SR 7 east to the project's east property line) plus the appropriate tapers. These construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to January 1, 1987. Plan costs shall be approved by the County Engineer.

19. The property owner shall provide Palm Beach County with all associated right-of-way documents including but not limited to Surveys, property owner's maps, legal descriptions for acquisition, parcelled right-of-way maps, required for the acquisition of Lantana Road as a 6 lane median divided construction ultimate section from SR 7 east to eastern limits of the road construction plans.

20. The right-of-way shall be funded by the property owner within 12 months of Special Exception approval or prior to issuance of a Building Permit whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception approval for which this property owner shall fund fifty percent of the cost, the remaining fifty percent to be funded by Palm Beach County.

21. The property owner shall construct Lantana Road as a 4 lane median divided Section from SR 7 east to the project's east property line plus the appropriate tapers (this construction shall include, but not be limited to, the construction of a new 7 lane bridge over the E-1 Canal per the above condition. This construction shall be completed within 24 months or prior to the issuance of a Building Permit whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Condition No.18, No.19, No.20, and No.21. Geometrics at the intersection shall include a full 7 lane section for a minimum of 250 feet in length plus any appropriate tapers from a 4 lane section to a full 7 lane section with approval of these geometrics per the County Engineer's approval. Palm Beach County shall participate in the cost of the bridge structure. Participation shall be limited to 50% of the actual contract for this structure only. There shall be no participation by Palm Beach County in any road construction.

22. Surety required for the offsite road improvements as outlined in Condition No.18, No.19, No.20, and No.21 shall be posted with the Office of the County Engineer prior to June 1, 1986.

23. The property owner shall install signalization if warranted as determined by the County Engineer on:

- a) Lantana Road and project's entrance(s)
- b) SR 7 and project's entrance(s)
- c) SR 7 and Lantana Road

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

24. prior to the issuance of a Certificate of Occupancy, minimum landscaping shall be installed as presented on Exhibit No. 3.

25. The 75% opaque landscape buffer shall consist of any combination of a continuous hedge with a maximum spacing of 18"-24", solid wall and/or berm supplemented by one (1) 18-12 foot canopy tree planted 20 feet on center.

26. Residential uses on the site shall be entirely terminated by May 30, 1986, or sooner if adequate relocation of persons living at the site can be accomplished.

Commissioner Wilken, 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:

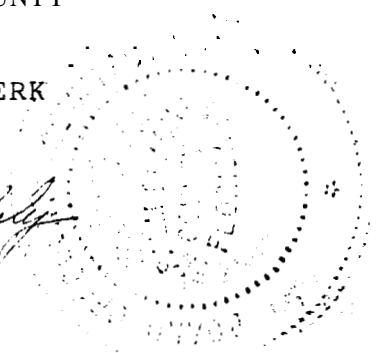
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Neil
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Paul J. Gagnier
County Attorney