

RESOLUTION NO. R- 87-1120-A

RESOLUTION APPROVING ZONING PETITION **87-30**: 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. **87-30** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 27, 1987 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. **87-30**, the petition of **TIMOTHY C. SULLIVAN AND THOMAS RALPH BROWNING** by David L. Carpenter, Agent, for a **SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA** on **Parcel No. 1**: That part of South 1/2 of the Southeast 1/4 of Tract 2, Block 2, Section 12, Township **44** South, Range 42 East, Palm Beach Plantation, in Plat Book 10, Page 20, lying West of the

right-of-way of Military Trail (State Road **809**), as described in Official Record Book 1151, Page 127, less the South 110 feet thereof, **Parcel No. 2:** The South 110 feet-of the South 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 12, Township 44 South, Range 42 East, less the Right-of-way for Military Trail. Also described as the South 110 feet of the Southeast 1/4 of Tract 2, Section 12, Township 44 South, Range 42 East, Palm Beach Plantation, in Plat Book 10, Page 20, lying west of the right-of-way of Military Trail (State Road **809**), as described in official records book 1151, Page 127. **Parcel No. 3:** North 1/2 of the South 1/2 of the East 1/2 of Lot 2, Block 2, Plat No. 1, Palm Beach Plantations, Subdivision of Section 12, Township 44 South, Range 42 East, recorded in Plat Book 10, Page 20, containing 2 1/2 acres more or less, less the West 13 feet of the East 23 feet of the North 1/2 of the South 1/2 of the East 1/2 of Lot 2, Block 2, according to the plat of Palm Beach Plantations, Plat 1, Sheet 1, as recorded in Plat Book 10, Page 20 containing 4.70 acres more or less. The property is located on the west side of Military Trail (SR **809**) approximately 150 feet south of Holt Road and was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) an access dimension a minimum of twenty-five (25) feet.
 - b) Required landscaping between off-street parking areas and abutting properties.
 - c) the required loading spaces.
 - d) a six (**6**) foot high wall which shall be erected along the entire southern property line extending to one hundred fifty (150) feet of the eastern property line.
 - e) dumpster locations integrated into the area designated as loading spaces, away from residential lots.
 - f) parking spaces shall be shown a minimum of twenty (20) feet in length.
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 rear and side facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance from nearby residential development.
4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
5. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
6. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system **is** not adequately maintained **as** determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
7. 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 \$105,821.00 (3,950 trips X \$26.79 per trip).
8. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$52,911.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$158,732.00 are to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$52,911.00 shall be credited toward the increased Fair Share Fee.
9. Prior to site plan certification, petitioner shall record a Unity of Title Agreement covering the entire site.
10. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.
11. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
12. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
13. A minimum of twenty thousand (20,000) square feet of gross leasable area shall remain as a furniture store or other use having similar traffic generation rates.

Commissioner Elmquist, 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:

Carol A. Roberts	-- Absent
Karen T. Marcus	-- Aye
Dorothy Wilken	-- Aye
Kenneth M. Adams	-- Absent
Carol J. Elmquist	-- Aye

The foregoing resolution **was** declared duly passed and adopted this 28th day of July, 1987 confirming action of March 26, 1987.


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Kathryn S. Miller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney