

RESOLUTION NO. R-89-1633

RESOLUTION APPROVING ZONING PETITION NO. 81-157(A)  
SPECIAL EXCEPTION PETITION OF TARGET STORES

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 have been satisfied; and

WHEREAS, Petition No. 81-157(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 81-157(A) the petition of TARGET STORES, by Mark A. Bidwell, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, AND AN AUTOMOBILE REPAIR FACILITY (PETITION NO. 81-157), TO INCREASE THE FLOOR AREA OF THE GARDEN CENTER on a parcel of land lying on the South 3/4 of Lot 4, Block 3, Section 12, Township 44 South, Range 42 East, Palm Beach Plantations (Model Land Company), Plat Book 10, page 20, less right-of-way for Military Trail and less the South 40.00 feet for the Lake Worth Drainage District Lateral Canal No. 8; Together with a portion of Parcel "A" "Boundary Plat", Plat Book 28, pages 227 and 288, more particularly described as follows: Commencing at the Southeast corner of said Parcel "A"; thence South 89 degrees 59' 57" West, along the South line of said Parcel "A", a distance of 174.79 feet to the Point of Beginning, thence continue South 89 degrees 59' 57" West, along the last described course, a distance of 652.04 feet; thence North, a distance of 97.08 feet; thence East, a distance of 647.45 feet; thence South 02 degrees 42' 30" East, a distance of 97.18 feet to the Point of Beginning, being located on the west side of Military Trail (SR 809), approximately .2 mile south of Forest Hill Boulevard (SR 882) in a CG-General

Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. A minimum twenty-five (25) foot wide pavement dimension between the proposed 4,800 square foot Garden Center and the southern property line;
  - b. Required perimeter landscape **plantings** as indicated on Exhibit 29;
  - c. Landscape tabular information as required by Section 500.35 **of** the Zoning Code; and,
  - d. Minimum tree planting requirement for the entire site as required by Section 500.35.G.7 of the Zoning Code.
3. The garden center storage area shall be redesigned to permit a twenty-five (25) foot bypass lane. **No** openings for customer pickup shall be permitted in the fence surrounding the garden center.
4. The petitioner shall redesign the 4,800 square foot outdoor addition to comply with condition 2.a.
5. Simultaneously with the submittal for Site Plan Review, the petitioner shall resubmit a copy of the official zoning map that correctly indicates the boundaries of the entire site as approved pursuant to Resolutions R-81-1223 and R-81-1224.
6. Prior to issuance of a building permit for the 4,800 square foot garden center addition, the petitioner shall submit to the Zoning Division, an overall landscape plan for the entire 14.88 planned commercial development indicating the location **of** the **260** trees within the overall 14.88 acre development as required by Section 500.35.G.7 and E.1.a(2) **of** the Zoning Code.
7. 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.
8. Sewer service is available to the property. Therefore, no septic tank shall **be** permitted to the site.
9. Water service **is** available **to** the property. Therefore, no well shall be permitted **on** the site to provide potable water.

10. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
11. The petitioner 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 addition to the Target Discount Store presently is **\$2,840.00** (106 trips X **\$26.79** per trip).
12. In addition the Developer shall contribute the amount **of \$217.00 as** established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds **of \$217.00** shall be paid prior to the issuance **of** the first Building Permit.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$217.00** shall be credited toward the increased Fair Share Fee.
14. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use **or** disposal of waste oil.
15. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of **a** Certificate **of** Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	==	AYE
Ron Howard	==	AYE
Karen T. Marcus	==	AYE
Carole Phillips	==	AYE
Carol Roberts	==	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Andrew Altman*  
COUNTY ATTORNEY

BY:

*Ann Phillips*  
DEPUTY CLERK

