

RESOLUTION NO. R-2000- 0003

RESOLUTION APPROVING ZONING PETITION DOA77-129(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ALBERTSON'S
BY SARA LOCKHART, AGENT
(ALBERTSON'S LAKE WORTH/MILITARY)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA77-129(A) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA77-129(A), the petition of Albertson's, by Sara Lockhart, agent, for a Development Order Amendment (DOA) to reconfigure site plan, add building square footage and delete Condition 4 of Resolution R-77-1188 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	--	Aye
Warren Newell, Vice Chair	--	Aye
Karen T. Marcus	--	Aye
Carol A. Roberts	--	Aye
Mary McCarty	--	Absent
Burt Aaronson	--	Aye
Tony Masilotti	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

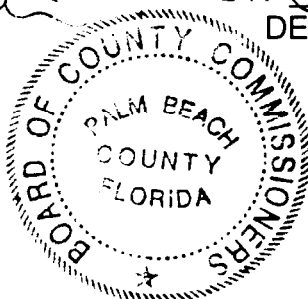
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition DOA77-129(A)
Project No. 9999-000



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EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER (SW 1/41 OF THE SOUTHWEST QUARTER (SW 1/41 OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY,- FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/41 OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 06 MINUTES 15 SECONDS EAST (ALL BEARINGS BASED ON AN ASSUMED MERIDIAN) A DISTANCE OF 58.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 24; THENCE DUE NORTH A DISTANCE OF 71.69 FEET ALONG THE EAST RIGHT-OF-WAY OF MILITARY TRAIL TO THE POINT OF BEGINNING; THENCE CONTINUING DUE NORTH ALONG THE SAID EAST RIGHT-OF-WAY OF MILITARY TRAIL A DISTANCE OF 598.83 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 04 SECONDS EAST A DISTANCE OF 416.40 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 16 SECONDS WEST A DISTANCE OF 817.28 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD AND ON A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 7,579.44 FEET AND A CENTRAL ANGLE OF 01 DEGREES 04 MINUTES 32 SECONDS; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD A DISTANCE OF 142.28 FEET TO THE END OF SAID ARC; THENCE NORTH 89 DEGREES 06 MINUTES 15 SECONDS WEST A DISTANCE OF 254.38 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 07 SECONDS WEST A DISTANCE OF 28.06 FEET BACK TO THE POINT OF BEGINNING.

(CONTAINING: 257,272 SQUARE FEET)

EXHIBIT B

VICINITY SKETCH

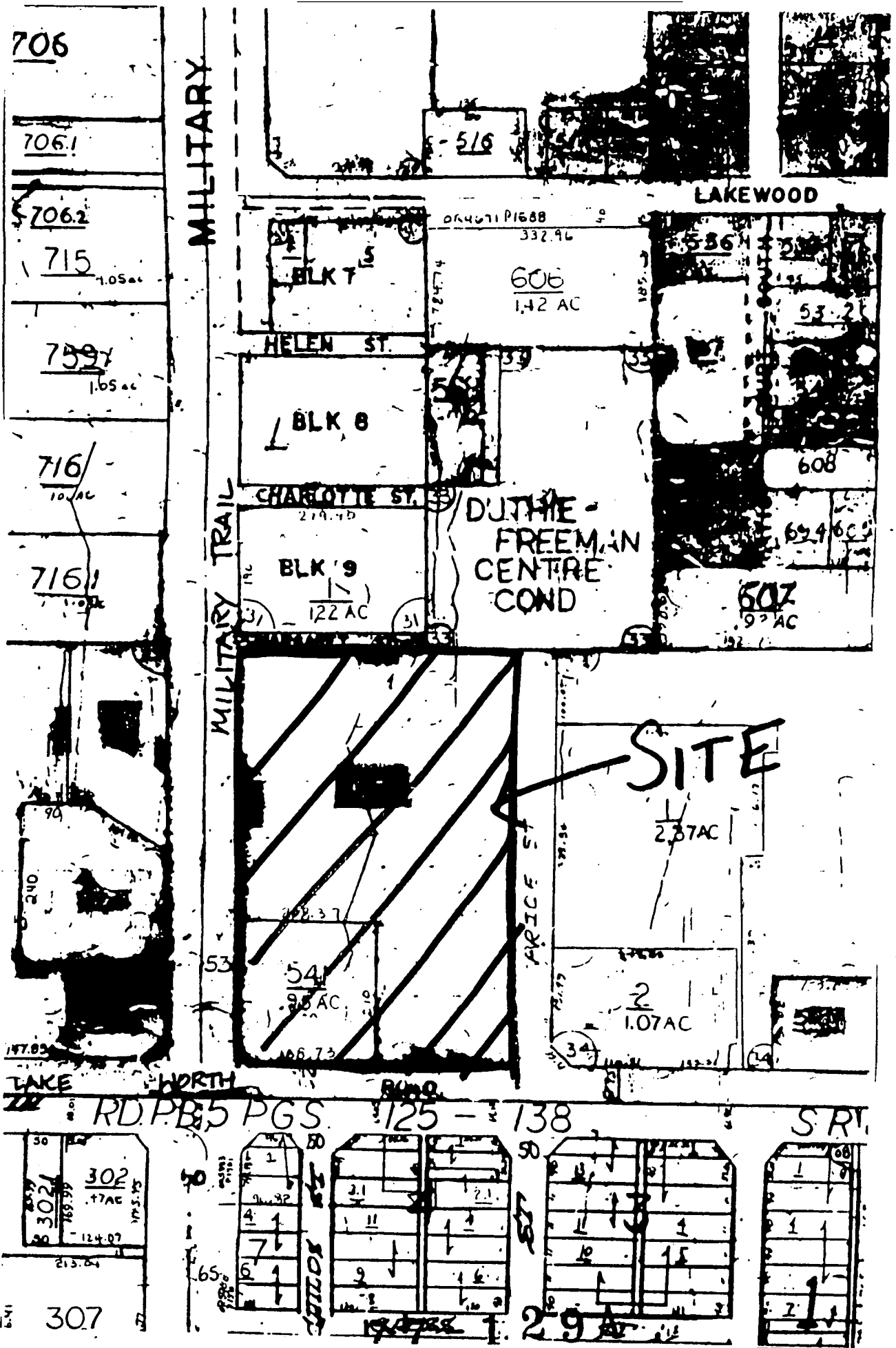


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-79-908 (Petition 79-120), have been consolidated as contained herein. The petitioner shall comply with all previous Conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 28, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN (ALBERTSON'S)

1. Condition 4 of Resolution R-77-1188 of Petition 77-129, which currently states:
Site Plan Exhibit No. 11, shall be adhered to regarding the lighting, parking and 20.2% building coverage limitation.
Is hereby deleted.
2. Shopping corrals shall be installed where possible prior to the issuance of a certificate of occupancy for the expansion. (CO:DRC-Zoning)
3. The existing painted islands shall be replaced with curbed terminal landscape islands pursuant to Exhibit 22 of the Board of Adjustment approval and meeting current landscape requirements. (CO:LANDSCAPE-Zoning)

C. EXISTING LANDSCAPING (ALBERTSON'S)

1. Prior to issuance of a Certificate of Occupancy for the expansion, the petitioner shall replace any existing damaged or dead and missing plant materials pursuant to the approved landscape plan for the entire site (with the exception of the area of the Board of Adjustment approval). The landscape material shall meet the current ULDC requirements at time of installation. (CO:LANDSCAPE - ZONING)

D. SIGNS ALONG LAKE WORTH ROAD (ALBERTSON'S)

1. Freestanding point of purchase signs fronting on Lake Worth Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 150 square feet;
 - c. Maximum number of signs - one (1); and

d. Style - monument style only. (CO: BLDG)

E. ENGINEERING

1. Within **ninety (90)** days of the Special Exception approval the Developer shall convey to Palm Beach County an additional ten **(10)** feet of **right-of-way** for North Price Street. (Previously Condition 1 of Resolution R-77-1188, Petition 77-129) [note: condition satisfied]

2. Developer shall construct a left turn lane, west approach at the intersection of Lake Worth Road and North Price Street. Developer shall be responsible to coordinate the construction of the turn lane with the construction of Lake Worth Road. (Previously Condition 2 of Resolution R-77-1188, Petition 77-129)

Is hereby deleted [median openings are FDOT regulated]

3. Developers shall reconstruct the median opening and left turn lane, north approach at the intersection of Military Trail and the north entrance road. (Previously Condition 3 of Resolution R-77-1188, Petition 77-129) [COMPLETED]

4. Within **ninety (90)** days of the Special Exception approval the Developer shall convey to Palm Beach County an additional five **(5)** feet for the right-of-way for Military Trail. (Previously Condition 5 of Resolution R-77-1188, Petition 77-129)

Is hereby deleted [superceded by condition E.5]

5. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a. Lake Worth Road 76 feet from centerline, (an additional sixteen (16) feet) or as required by the County Engineer
- b. Military Trail 71 feet from centerline (an additional 13 feet of right of way, or as required by the County Engineer). Conveyance of the additional right of way will require the site plan to be revised to reduce the parking aisles adjacent to the proposed liquor store from 25 feet to 24 feet, and the landscape area on the west side of the proposed liquor store to be reduced from 14.8 feet to 13.8 feet in width.

All right of way shall be conveyed prior to April 1, 2000 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage (less existing Shoe Store) and shall be free of all encumbrances and encroachments. Developers shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

6. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lake Worth Road and Military Trail (less the existing shoe store) to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
7. Prior to June 30, 2000, or within thirty (30) days written notice that monies for intersection improvements at Military Trail and Lake Worth Road are required, the property owners shall contribute the amount of \$75,000 toward the cost of an expanded intersection at Military Trail and Lake Worth Road. These funds shall then be used for the following intersection improvements:
 1. Right turn lane east approach
 2. Three (3) lanes, north approach
 3. Two (2) left turn lanes, north approach
 4. Three (3) thru lanes, north departure
 5. A directional left turn lane into the property's north driveway on Military Trail.

Palm Beach County shall make its best efforts to let the project prior to July 1, 2001. (DATE: MONITORING - ENG)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDS, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)