

RESOLUTION APPROVING ZONING PETITION DOA73-91
DEVELOPMENT ORDER AMENDMENT
PETITION OF WINN DIXIE, INC.

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, 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 Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA73-91(B) was presented to the Board of County Commissioners at a public hearing conducted on July 28, 1994; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 **DOA73-91(B)**, the petition of Winn Dixie, Inc., for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend increase square footage, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 1994, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED **AS TO FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

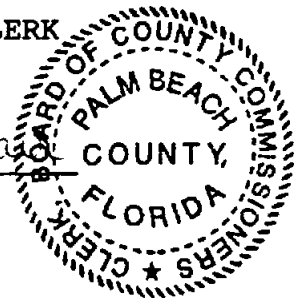
DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



THE WEST

1/4, AND THE WEST
SECTION 27, TOWNSHIP 44 SOUTH

FLORIDA...

LESS: THE WEST
WAY.

LESS: '60'
OF **RIGHT-OF-WAY**

LESS: ALL
RIGHT-OF-WAY

326 RIGHT-OF-WAY SECTION

STATED HEREIN

LESS: THE
AT THE NORTH

ALONG THE NORTH SECTION

OF BEGINNING
TO A POINT OF NON-TANGENCY

CONCAVE TO NORTHEAST, RAVING A

OF **50° 55'**

EXHIBIT B
VICINITY SKETCH

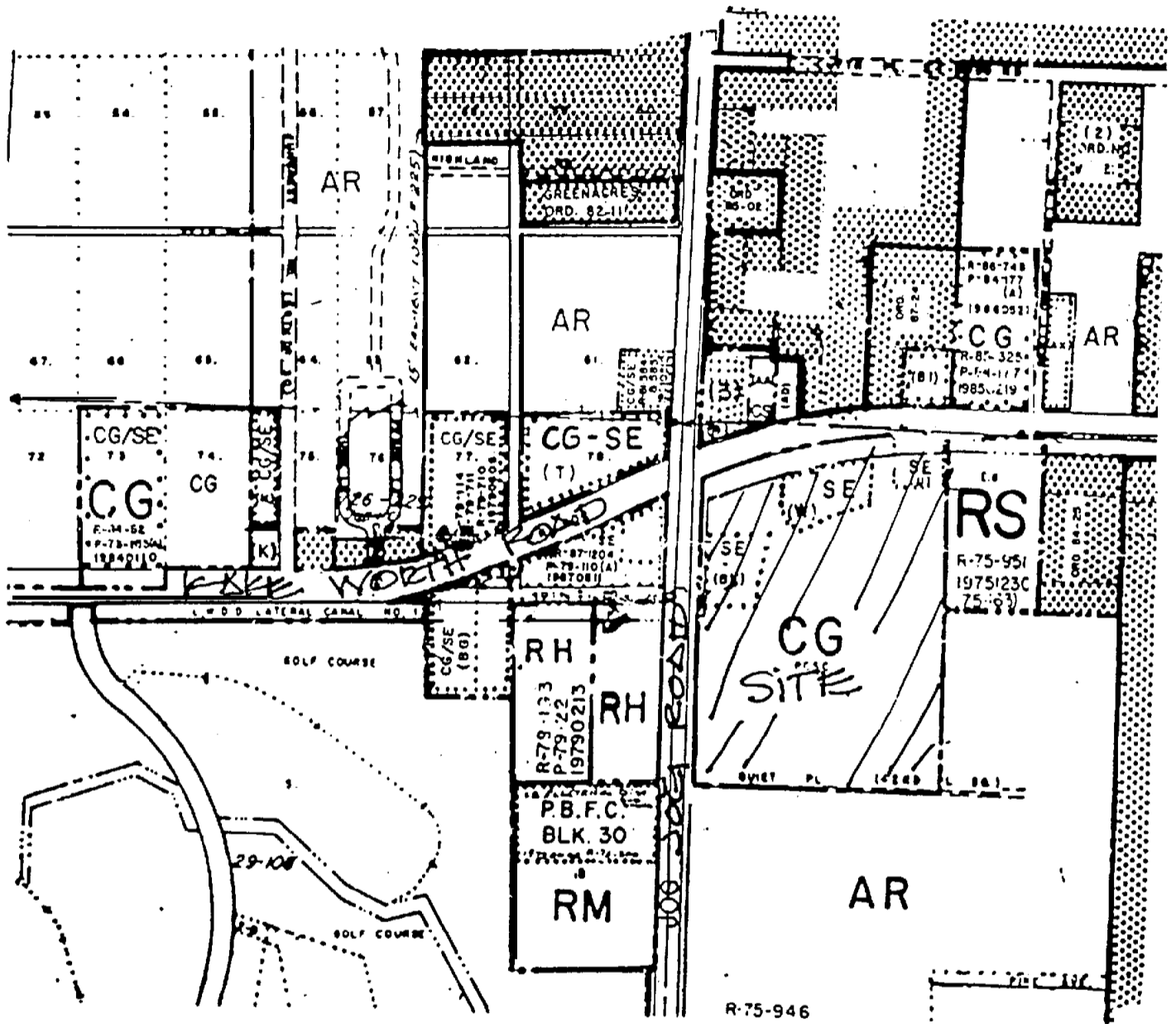


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. GENERAL

1. Previous Condition 1 of Resolution **R88-1199, Petition 73-91(A)** which states:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-73-427, and R-79-190 have been consolidated as contained **herein**. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
- Landscaping located outside of the utility easements, or release agreements shall be obtained from all easement holders and filed with the **Zoning** Division.
 - Revised square footage of the veterinary clinic and commercial kennel with corrective changes to the parking calculations. Previously Condition 2 of Resolution **R88-1199, Petition 73-91(A)**. (**ZONING**)
3. The petitioner shall revise the Preliminary **Development** Plan to relocate all dumpsters a minimum of twenty **five** (25) feet from the east property line. (**ZONING**)
4. Prior to the issuance of the Certificate of **Occupancy** or Certificate of Completion for the Winn Dixie (**subject**: of Petition 73-91(B)) the petitioner shall relocate all dumpsters and provide screening pursuant to **section** 6.6.A.5 (Dumpster). (**BUILDING**)

B. LANDSCAPE IMPROVEMENTS

1. Prior to the issuance of the Certificate of **Occupancy** or Certificate of Completion for the **Winn Dixie** (**subject**: of petition 73-91(B)) the petitioner shall complete the following:
- Repair or replace all missing or damaged **fence** panels on the south and east property lines of the shopping center;
 - Install one (1) eighteen (18) to twenty (20) **foot** tall sabal palms twenty (20) feet **on** center along the east property line within the five foot **wide** existing Alternate 1 Landscape Buffer; and,
 - Replace all missing or dead landscaping within the parking areas (excluding out parcels). All replacement trees and shrubs shall meet the standards of Section 7.3 of the **UIDC**. (**BUILDING/ZONING**)

C. HEALTH

1. Generation and disposal of hasardoue 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 **usod** by project tenants or owners generating such effluents. Previously Condition 3 of Resolution **R88-1199**, Petition 73-91(A). (HEALTH)
2. **Since** sewage service is available to the property, septic tank shall not be approved **for** use on said property. Previously Condition 4 of Resolution **R88-1199**, Petition 73-91(A). (HEALTH)
3. Since water service is available to the property, a well shall not be approved for use on said property for potable water. Previously Condition 5 of Resolution **R88-1199**, Petition 73-91(A). (HEALTH)

E. ENGINEERING

1. Prior to the issuance of any building permits the developer shall dedicate to Palm Beach County the additional right-of-way required to provide **for** a one hundred twenty (120) foot right-of-way for Lake Worth Road (**S.R.802**) and Jog Road. Previously Condition 1 of Resolution **R73-427**, Petition 73-91. (**BUILDING-Engineering**) Survey indicates compliance with this condition.
2. The by-pass and stacking lanes to be constructed by the developer, in accordance with the site plan, and a permit issued prior to the issuance of any building permits. Previously Condition 2 of Resolution **R73-427**, Petition 73-91. (**BUILDING- Engineering**)

Is hereby deleted. [Reason: code requirement.]
3. The developer shall construct the necessary roadway improvements as required by the County Engineer. Previously Condition 2 of Resolution **R73-427**, Petition 73-91. (**ENGINEERING**) NOTE: Engineering indicates compliance with this condition.
4. The property owner 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 at the time of the Building Permit presently is \$13,145 (239 additional trips X \$55.00 per trip) (**IMPACT FEE COORDINATOR**).
5. 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 **85%** of the stormwater runoff generated by a three (3) year one hour storm (3.0 inches) **per** requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. Previously Condition 6 of Resolution **R88-1199**, Petition 73-91(A). (**ENGINEERING**)

Is hereby deleted. [Reason: code requirement.]

6. The property owner
amount
Contribution
presently exists
amended.
is **\$12,**
Condition 7 of Reso.
(IMPACT FEE COORD

7. Based
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Improvement
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permit or prior to
occur.
Petition 73-91(A) (

8. If the
Ordinary
this additional am
toward