

RESOLUTION NO. R-85-572

RESOLUTION APPROVING ZONING PETITION 84-171, 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. 84-171 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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. The proposal, with limitations on building permits until thoroughfare improvements are complete, 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 4th of January 1985, that Petition No. 84-171 the petition of JACK BROWN for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA INCLUDING A PLANNED COMMERCIAL DEVELOPMENT on a parcel located in Section 26, Township 46 South, Range 42 East and being more particularly described as follows:

The East 3/4 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 26, LESS the East 75 feet thereof. Said property located on the west side of Military Trail (S.R.809) approximately .1 mile south of Linton Boulevard (S.W. 12th Street) in a CG-General Commercial District was approved as advertised subject to the

following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
3. 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.
4. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
5. 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.
6. The developer shall construct concurrent with the four laning of Military Trail by Palm Beach County, a Left Turn Lane, south approach and a Right Turn Lane, north approach on Military Trail at the project's entrance road. This developer shall be fiscally responsible for any change order associated with this construction.
7. The Developer shall not be issued a Building Permit until the contract for the construction of Military Trail has been let from Linton Boulevard to Clint Moore Road.
8. 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. Presently, the Fair Share Fee for this project is \$119,200.00.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

9. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$59,600.00 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds to be paid within 3 months of the approval date by the Board of County Commissioners. Credit shall be received for the existing roadway improvement funds, which have already been paid.
10. 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.
11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
12. Prior to site plan certification, exact copies of all graphics and exhibits presented at the Planning Commission and Board of County Commissioners' public hearings shall be submitted to the Zoning Division and made part of the permanent petition file.

Commissioner ADAMS , moved for approval of the petition. The motion was seconded by Commissioner OWENS , and

upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Xenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted
this 9th day of April confirming action of the 4th January
1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney