

RESOLUTION NO. H- 85-1240

RESOLUTION APPROVING ZONING PETITION 85-69, 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. 85-69 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th June 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. This proposal 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 28th of June 1985, that Petition No. 85-69 the petition of WOODS WALK ASSOCIATES, LTD. By Richard Pines, President, 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 AND GASOLINE PUMP ISLAND FACILITIES on a parcel of land situated in Block 25 of "Palm Beach Farms Company Plat No. 3", in Section 30, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54. Said parcel being a portion of Tracts 48-51 inclusive of said Block 25, also being situated in Section 30, Township 44 South, Range 42 East, and being more particularly described as follows:

Beginning at the Northwest corner of Tract 50 of said Block 25;

thence North 90 degrees 00'00" East, along the North line of said Tract 50, a distance of 40.05 feet to the Easterly Right-of-Way line of the Lake Worth Drainage District Equalizing Canal No. E-1 as recorded in Official Record Book 3716, Page 689; Thence North 02 degrees 56'32" East along said Easterly Right-of-way line, a distance of 239.51 feet; thence North 89 degrees 59'00" East, departing from said Right-of-way line, a distance of 1042.63 feet; thence South 00 degree 01'00" East a distance of 843.70 feet to the Northerly Right-of-way line of Lake Worth Road; thence South 89 degrees 59'00" West along said Northerly Right-of-way line and along a line 50.00 feet North of and parallel with the centerline of said Lake Worth Road, a distance of 1126.30 feet to the West line of said Tract 50; thence North 02 degrees 56'32" East a distance of 605.33 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Lake Worth Road and State Road 7 (U.S. 441) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) A six foot high solid masonry wall along the north property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.

b) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

c) Typical building, accessway, parking stall and loading dimensions.

d) Location of significant wooded areas and proposed location of areas of tree preservation.

e) Delineation of "lease and/or out parcels".

f) The 10 foot landscape buffer along the east property line shall be of 75% capacity.

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 north and east facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon 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. Access points shall be such that the removal vehicle need not make unnecessary turning or backing movements.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.

6. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.

7. Security lighting shall be directed away from nearby residences.

8. 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. Preserved areas of vegetation along the interior and perimeter of the site shall be credited toward meeting interior and perimeter landscaping requirements respectively.

9. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

10. The property owner shall convey for the ultimate right-of-way of:

a) Lake Worth Road, 120 feet north of the existing North Right of Way line of the Lake Worth Drainage District L-12 Canal within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

b) The ultimate Right-of-way from the subject property, required for the "Special Intersection" at Lake Worth Road and State Road 7, 140 feet North of the existing North Right line of the Lake Worth Drainage District L-12 Canal.

11. The Developer shall construct concurrent with the construction of the project's access road onto:

a) The proposed residential road for Petition 85-71 a Right Turn Lane North Approach and a Left Turn Lane South Approach.

b) State Road 7 a Left Turn Lane North Approach and Right Turn Lane South Approach.

12. The Property Owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Lake Worth Road & State Road 7. This drainage easement shall be subject to all governmental agency requirements.

13. 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 presently is \$324,480.

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$81,120 toward Palm Beach County's existing Roadway Improvement Program. These total funds (\$405,600) are to be paid prior to the issuance of the first building permit. Credit for the impact fee shall be given toward the work performed in Conditions Number 20 and 21.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount \$81,120 shall be credited toward the increased Fair Share Fee.

15. The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

16. The Property Owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto State Road 7.

17. The Property Owner shall participate in the Construction of State Road 7 and Lake Worth Road by Petition 84-98 by constructing as a 4 lane median Divided Section:

a) State Road 7 from a point 400 feet north of Lake Worth Road (Northern terminus of construction by Petition 84-98), north to a Point 200 feet north of the proposed project entrance plus the appropriate transitions.

b) Lake Worth Road from a point 400 feet east of State Road (East terminus

of construction of Petition 84-98 east to the projects entrance road onto Lake Worth Road plus the appropriate tapers.

18. The Property Owner shall provide the Construction Plans for Lake Worth Road and State Road 7 per the above requirements. These Construction Plans shall be per the Florida DOT and the County Engineers Approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed concurrent with the Construction Plans which will be submitted with Petition No. 84-98.

19. The property Owner shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for both State Road 7 and Lake Worth Road per the above requirements. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for all required appraisals prior to August 1, 1985; for which this Petitioner shall provide all necessary funds.

NOTE: It is the intent that all plans, R/W Acquisitions and construction of State Road 7 and Lake Worth Road shall be let as one Contract with the Developer of Petition 84-98.

Credit for the impact fee SHALL NOT be given for any work performed under this condition.

20. The Developer shall provide the Construction Plans for Lake Worth Road a 4 lane median divided section expandable to six lanes, from the property entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. These Construction Plans shall be per the Florida DOT and the County Engineers Approval based upon Palm Beach County's minimum Construction Plan standards as they presently exist or as they may from time to time be amended.

These Construction Plans shall be completed prior to December 31, 1986 or prior to the issuance of Building Permit whichever shall occur first.

21. The Developer shall provide Palm Beach County with all associated Right-of-way Documents, including but not limited to, surveys, property owner's maps, legal descriptions for acquisition, parcelled Right-of-way maps, required for the acquisition of Right-of-way for Lake Worth Road from the projects entrance road east to a point 100 feet west of the Florida Turnpike plus any appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition for all required appraisals prior to August 1, 1985; for which this Petitioner shall provide all necessary funds.

22. The petitioner shall convey to the Lake Worth Drainage District the West 40 feet of Tract 50, Block 25, Palm Beach Farms Company Plat No. 3, for the required right-of-way for Equalizing Canal No. 1, by quit claim deed or an easement deed in the form provided by said

district within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

23. 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.

24. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

25. 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.

26. 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.

27. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

28. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

29. Surety required for all off-site improvements shall be posted prior to the issuance of a building permit or within 180 days of Special Exception approval, whichever shall first occur.

30. In order to comply with the Mandatory Traffic Performance Standards the property owner shall be limited to 106,000 square feet of commercial area until Lake Worth Road has been widened to a 4-lane median divided section under the Florida Turnpike.

31. The petitioner shall provide an eight foot concrete bicycle path along the project's Lake Worth Road and S.R. 7 frontages.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	ABSTAINED
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 28th June 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Dandy Sprague
County Attorney