

RESOLUTION NO. R-85-1954

RESOLUTION APPROVING ZONING PETITION 85-20(C), 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. 85-20(C) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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. With minor site plan revisions, this proposal will be 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 30th of September 1985, that Petition No. 85-20(C) the petition of MILTON OLIPHANT, TRUSTEE By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the North 240 feet of the West 272 feet of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East. Together with:

The North 250 feet of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, less and except the West 272 feet and the East 53 feet thereof. Said property located on the west side of Military Trail (S.R. 809) approximately 420 feet north of Summit Boulevard was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Site data calculations reflecting required and proposed parking area interior landscaping.
 - b) Building dimensions and ties to all property lines.
 - c) Dimensions of parking stalls and access aisles.
 - d) A six foot high stucco finished solid masonry wall along the west and south property lines where they abut residential areas, with 10-12 foot high canopy trees planted 20 feet on center. Said wall to accommodate planting, maintenance, and maturation of trees.
 - d) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
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 west and south 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 a.m.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping and office 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.
9. Reasonable precautions shall be exercised during si
ing properties.
10. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
11. 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.
12. 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.
13. 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.
14. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline, 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.

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 SR7.

17. 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. The Fair Share Fee for this project presently is \$44,310.00.

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

Commissioner **Wilken** , 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:

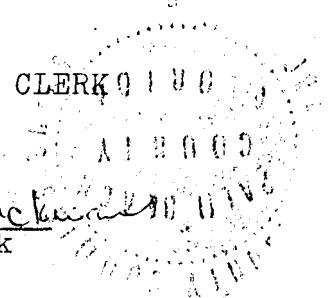
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Nickerson
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Brown
County Attorney

FILED THIS DAY OF
..... DEC 03 1985 19
AND RECORDED IN
MINUTE BOOK NO. AT
PAGE RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *LH* D.C.