

RESOLUTION NO. R- 86-93

RESOLUTION APPROVING ZONING PETITION 76-18(A), 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. 76-18(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 phasing controls on permitted square footage of building area linked to thoroughfare improvements, 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 30th of October 1985, that Petition No. 76-18(A) the petition of LANTANA EXECUTIVE ASSOCIATES, RICHARD S. JOHNSON, JAMES P. KINTZ, WILLIAM G. LASSITER, AND FIRST BAPTIST CHURCH OF WEST PALM BEACH, FLORIDA, INC., By F. Martin Perry, Esquire, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-18, TO INCLUDE A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS on a parcel of land in Section 6, Township 45 South, Range 43 East, said parcel of land being specifically described as follows:

Begin at a point 33.00 feet West of the East line of said Section 6 and 40.00 feet South of the North line of said Section 6; thence bear South 00 degree 10'40" West, along a line parallel to and 33.00 feet West of, as measured at right angles to the East line of said Section 6, a distance of 1083.59 feet; thence North 89 degrees 55'30" West, along a line parallel to the North line of said Section, a distance of 603.00 feet; thence South 00 degree 10'40" West, along a line parallel to the East line of said Section, a distance of 258.79 feet to a point on the East right-of-way line of Congress Avenue; said point being on a curve concave to the Northeast having a radius of 1860.08 feet and a central angle of 48 degrees 29'49", according to the right-of-way map of Congress Avenue, as recorded in Road Book 2, Page 135, thence Northerly along the arc of said curve and said East right-of-way line a distance of 1574.43 feet to a point 40.00 feet South of, as measured at right angles to the North line of said Section; said point being on the South right-of-way line of Lake Worth Drainage District Lateral No. 16; thence South 89 degrees 55'30" East, along a line parallel to and 40.00 feet South of, as measured at right angles to, the North line of said Section, a distance of 1335.04 feet to the Point of Beginning. Less the North 297 feet of the East 383.2 feet of said Section 6. Said property located on the east side of Congress Avenue (S.R. 807) and being bounded on the east by Congress Road, approximately 270 feet south of Lantana Road (S.R. 812), in a CG-General Commercial District 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) Tabulate the required and graphically show proposed interior landscaping.
 - b) The required buffer or landscape strip along the northeastern property line.
2. Security lighting shall be directed away from nearby residences.
3. 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.
4. 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.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
 6. 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.
 7. 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.
 8. The petitioner shall comply with all previously approved conditions of Petition 76-18, except for conditions 5(b) and 3(b).
 9. 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.
 10. The property owner shall convey for the ultimate right-of-way of Lantana Road and Congress Avenue 60 feet from centerline, prior to December 1, 1985; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
 11. The property owner shall construct a left turn lane, south approach on Congress Road at the project's northern-most entrance.
 12. 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 \$229,911.00 (8,582 trips X \$26.79 per trip).
 13. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$164,956.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$394,867.00) to be paid prior to the issuance of any further Building Permits or October 1, 1986 whichever shall first occur.
- If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$164,956.00 shall be credited toward the increased Fair Share Fee.
14. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.
 15. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lantana Road, Congress Avenue and Congress Road.
 16. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 186,792 square feet of additional retail space and 18,208 square feet of office space shall not be issued until construction on the four-laning of Lantana Road between Congress Avenue and 1-95 has begun.
 17. A minimum of 63,208 square feet of the total project shall remain as office use.
 18. The property owner shall align the proposed drives along Congress Avenue with the existing median openings.

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

20. The property owner shall install signalization if warranted by the County Engineer at the project's entrance road(s) and both Congress Avenue and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition.

21. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioner's public hearings shall be submitted to the Zoning Division for inclusion in the permanent petition file.

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

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

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Jean Dean Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Lundy Sprague
County Attorney