

RESOLUTION APPROVING ZONING PETITION 86-8, 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. 86-8 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 30th of January 1986, that Petition No. 86-8 the petition of GERALD HIGIER, By Kieran Kilday, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT; INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, GASOLINE PUMP ISLAND FACILITIES AND A FINANCIAL INSTITUTION WITH 5 DRIVE UP TELLER WINDOWS on a parcel of land lying in Tract 39 of Township 44 1/2 South, Range 42 East, said parcel being described as the Westerly 25.0 acres of the following described parcel:

Lots 1 and 2 of Tract 39, less the Westerly 40 feet (15' of road right-of-way by plat) of Lot 2 for the right-of-way for Jog Road, and less the North 4W feet of said lots 1 and 2 for the right-of-way for

Lantana Road, and less the South 35 feet of said Lots 1 and 2 for Lake Worth Drainage District Lateral No. 16.

The subject 25.0 acre parcel being more particularly described as follows :

Commencing at the South Quarter Corner of Section 34, Township 44 South, Range 42 East; thence with a bearing of South 88 degrees 32'23" East along the South line of the Southeast 1/4 of said Section 34, a distance of 69.24 feet to a point; thence with a bearing of South 1 degree 27'37" West a distance of 40.00 feet to the Point of Beginning; thence with a bearing of South 88 degrees 32'23" East, along a line lying 40.00 feet South of and parallel to said South line of the Southeast 1/4 of Section 34, being the South right-of-way line of Lantana Road, a distance of 1304.85 feet to a point; thence with a bearing of South 29 degrees 44'06" East, a distance of 936.81 feet to a point lying on a line 35.00 feet North of and parallel to the North line of the Northeast 1/4 of Section 3, Township 45 South, Range 42 East; thence along said parallel line, being the Worth right-of-way line of Lake Worth Drainage District Lateral No. 16, with a bearing of South 89 degrees 11'43" West, a distance of 1299.36 feet to a point lying on a line 40.00 feet East of and parallel to the centerline of Jog Road and 25.00 feet East of and parallel to the West line of the aforesaid Lot 2; thence along said parallel line, being the Easterly right-of-way line of Jog Road, with a bearing of North 28 degrees 30'38" West, a distance of 984.33 feet, more or less, to the Point of Beginning. Said property located on the southeast corner of the intersection of Lantana West Road (S.R. 812) and Jog Road 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 minimum access dimension of twenty-five feet.
- b) 8-10 feet in height canopy trees planted 30 feet on center along the eastern property line where existing vegetation is not sufficient.
- c) Required and proposed interior landscape calculations.

2. Prior to site plan certification, a tree survey shall be submitted

indicating the preservation of existing vegetation and the incorporation of said vegetation into the project design including the western portion of the site. Parking spaces in excess of the required minimum shall be utilized to incorporate existing vegetation in the overall design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

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

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

6. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. 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 17-38, F.A.C.

8. 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.

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

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

11. 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.

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

- a) Lantana Road, 54 feet from centerline,
- b) Jog Road per the existing approved alignment map on file at the office of the County Engineer.

Conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. Right-of-way to be conveyed prior to March 15, 1986.

13. 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 \$265,730.00.

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$132,865.00 towards Palm Beach County's existing Roadway Improvement Program, (total combined funds of (\$398,595.00)). Credit shall be received for the work performed in Condition No. 20, a) and b). Surety required for the Construction Plans and right of way, shall be posted with the office of the County Engineer prior to the issuance of a Building Permit or prior to October 1, 1986 whichever shall first occur.

15. The Developer shall align:

- a) The project's entrance onto Jog Road with Petition # 80-89.
- b) The project's west entrance onto Lantana Road with Petition #81-186.
- c) The project's east entrance onto Lantana Road with the entrance to Homes at Lee's Crossing.

16. The Developer shall construct a left turn lane north approach and a right turn lane south approach on Jog Road at the project's entrance road.

17. The Developer shall construct a left turn lane east approach and a right turn lane west approach on Lantana Road at each of the project's entrance Roads onto Lantana Road.

18. The Developer shall be permitted only two turnouts onto Jog Road per Condition No. 15.

19. The Developer shall be permitted only 2 turnouts onto Lantana Road per Condition No. 17.

20. a) The Developer shall fund the Construction Plans for Jog Road as a 4 lane median divided section from Lake Worth Road south to a point 250 feet south of the centerline of Melaleuca Lane plus the appropriate tapers. These construction plans shall be per 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. The cost of providing all plans shall be approved by the County Engineers Office.

Palm Beach County shall provide these construction plans with all funding provided by the developer.

b) The Developer shall provide Palm Beach County with all associated right of way Documents, including but not limited to, surveys, property owners' maps, legal descriptions for acquisition, parcelled right of way maps, required for the acquisition of right of way for Jog Road from Lake Worth Road to a point 250 feet south of Melaleuca Lane plus the appropriate tapers. The Developer shall enter into an agreement with Palm Beach County's Land Acquisition Section for any and all acquisition costs prior to July 1, 1986; for which this Petitioner shall provide all necessary funds.

c) Palm Beach County will then construct Jog Road as a 4 lane median section from Lake Worth Road south to a point 250 feet south of the centerline of Melaleuca Lane, plus the appropriate tapers per the County Engineers approval.

It is the intent that this Construction Contract shall be let during the fiscal year 1987-1988. Any funds which have not been expended for the work performed under Condition No.20 A & B shall be made available to Palm Beach County 30 days after formerly accepting all right of way documents and Construction plans, or on July 1, 1987 whichever shall first occur.

21. The six (6) foot high wall shall be given architectural treatment on both sides consistent with the front of the center.

Commissioner Spillias, 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:

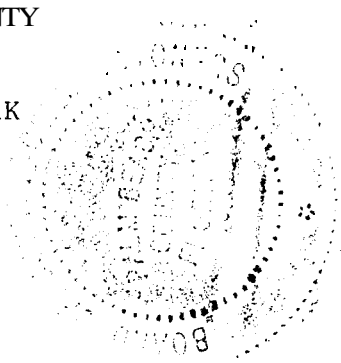
Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	OPPOSED
Kenneth M Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polz
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Audrey Sprague
County Attorney