

RESOLUTION NO. R-85-326

RESOLUTION APPROVING ZONING PETITION 84-177, 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. 84-177 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of November 1984; 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 amendment to the site plan, 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 29th of November 1984, that Petition No. 84-177 the petition of PATRICK C. KOENING AND WILLIAM S. GRAHAM By William S. Graham, Agent, for SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, Less the West 320 feet thereof of Section 22, Township 44 South, Range 42 East, Less However, that part lying within the Right-of-way for Lake Worth Road (S.R. 802) as recorded in Road Book 5, Pages 125-128, inclusive. Said property located on the northwest corner of the intersection of Lake Worth Road (S.R. 802) and Scott Road 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. Specifically, parking space shall be reduced to the code requirement, the difference to be used for tree preservation.

2. Prior to Site plan Certification, a revised site plan shall be submitted reflecting the a reduction of parking space to accommodate preservation islands for existing slash pine trees.

3. 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.

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

5. 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.

6. 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.

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

8. 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.

9. The property owner shall convey for the ultimate right of way of Scott Road, 25 feet from centerline approximately an additional 25 feet, 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.

10. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

(A) Right Turn Lane, East approach, on Lake Worth Road at Scott Road.

(B) Scott Road from Lake Worth Road to the project's north property line.

11. a) The Developer shall pay a Fair Share Fee in the amount and manner required by "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 \$54,637.00.

b) A maximum of \$14,000.00 credit toward construction of Scott Road only, verified by actual paid bills, shall be given toward the \$54,637.00 Fair Share Fee.

12. Prior to certification by Site Plan Review Committee, the site plan shall be amended to reflect:

a) provision of the required six-foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center along the north property boundary abutting residential development.

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

13. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within an enclosed loading and service area.

14. The north facade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible institutional appearance impact upon nearby residential development.

15. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

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

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

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

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

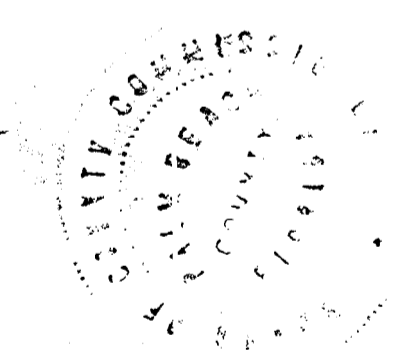
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 29th of November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Sawyer
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney