

RESOLUTION NO. R-85-586

RESOLUTION APPROVING ZONING PETITION 84-198, 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. 84-198 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 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. The 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 4th of January 1985, that Petition No. 84-198 the petition of NICHOLAS AND HELEN ZICARO By Paul G. Parker, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING AN OFFICE WAREHOUSE COMBINATION the South 328 feet of the North 349 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East; Less the East 50 feet thereof. Said property located on the west side of Military Trail (S.R. 809), approximately .3 mile north of Hypoluxo 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) Provision of 12' to 14' canopy trees planted at twenty feet on center along the north and west property boundaries. Also a 6' CBS wall shall be constructed within a five (5) foot landscape strip at

the property's rear.

b) 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 north, 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 pick-up shall 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 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. 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.

9. 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.

10. 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.

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

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

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, 67 feet from centerline, approximately an additional 17 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.

15. 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 for Phase I, a Left Turn Lane, North Approach, and a Right Turn Lane, South Approach, on Military Trail at the project's entrance road.

16. 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 \$29,150.00.

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

17. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$14,375.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds to be paid within 6 months of the approval date by the Board of County Commissioners.

18. The project shall be limited to the following phasing plans in order to meet the Mandatory Traffic Performance Standards.

- a) There shall be no more than 15,300 square feet of retail, 6,500 square feet of office, and 10,000 square feet of office/warehouse until the contract for Military Trail has been let from Lantana Road to Hypoluxo Road.
- b) This project shall be limited to a maximum of 21,800 square feet of retail space upon the final buildout of the project.

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 Spillias, Chairman	--	Aye
Dorothy Wilkens, Vice Chairman	--	Absent
Kenneth M. Adams, Member	--	Aye
Karen T. Marcus, Member	--	Aye
Jerry L. Owens, Member	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Kelly  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney