

RESOLUTION NO. R- 85-1229

RESOLUTION APPROVING ZONING PETITION 85-60, 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, 85-60 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 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. 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 27th of June 1985, that Petition No. 85-60 the petition of WILSHIRE CORPORATION, By Stanley Franks, President for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots C and D, Block 32, Palm Beach Farms Company Plat No. 7, in Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Said property located on the west side of Congress Avenue (S.R. 807) approximately .2 mile south of Lake Worth Road (S.R. 802) 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.

2. Prior to Site Plan Certification the site plan shall be amended to reflect the following:

- a) Ultimate right-of-way for Congress Avenue as shown on the

thoroughfare plan.

b) Site data block shall reflect the required amount of interior landscape required and proposed.

c) The dumpster shall be relocated to the area at the juncture of the two buildings and enclosed with a six foot high fence.

d) The six foot high solid masonry wall along the north property line shall be supplemented with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall, and the south and west property lines planted with one tree a maximum of 30 feet on center.

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

4. 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.

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

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

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

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

9. Prior to Site Plan Certification, an easement shall be provided on the south property line for access to the proposed residential (straight zoning) area to the west.

10. 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.

11. The property owner shall convey for the ultimate right-of-way of Congress Avenue, as shown on the thoroughfare plan 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.

12. The Property owner shall construct:

a) Left turn lane south approach on Congress Avenue at the project's entrance road.

b) Signalization modification per the County Engineers approval.

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

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. The Fair Share Fee for this project presently is \$51,410.00

14. Based on the amount of traffic generated by this development, the Property owner has agreed to contribute an additional \$12,853.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$63,993.00 are to be paid prior to the issuance of a Building Permit, however, in no case later than January 1, 1986.

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.

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 Congress Avenue.

17. 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.

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

19. 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.

20. 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.

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

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

23. In the event the Unity of Title covering the subject property and the adjacent RM zoned property to the west shall cease, the owner/developer shall grant an ingress/egress easement through the subject CG zoned parcel to the western adjacent RM zoned parcel.

24. There shall be no convenience type food and beverage store on this site.

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

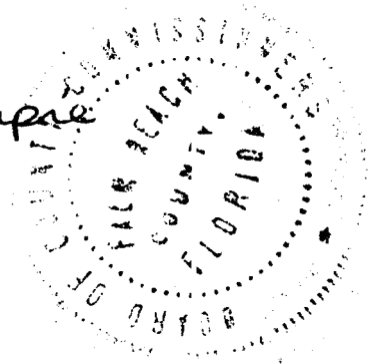
Ken Adams, Chairman	-- Aye
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Absent
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- Aye

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA
BY **ITS** BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spigale
County Attorney