

RESOLUTION NO. R-85-1876P

RESOLUTION APPROVING ZONING PETITION 85-92, 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. 85-92 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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 minor modification to the site plan, and limitations on square footage linked to thoroughfare improvements, 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 22nd of August 1985, that Petition No. 85-92 the petition of GARY C. KRESSER AND C.E. BROOKS By Gary Kresser, Agent, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER, IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING A PLANNED COMMERCIAL DEVELOPMENT on Lot E, Block 33; Lots A&B, Block 64; Lots A, B & C, Block 63 and Lot E, Block 34, together with:

Lot C and the North 19 feet of Lot D, Block 64, 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 350 feet north

of 6th Avenue South. 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) All facades of the shopping center, and associated structures shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
- 3) No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.
- 4) No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
- 5) No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
- 6) Security lighting shall be directed away from nearby residences.
- 7) Prior to site plan certification the site plan shall be revised to reflect the following:
 - a) Required stacking units pursuant to Zoning Code Section 500.17., (Stacking Requirements For Drive Up Units).
 - b) Required loading units pursuant to Zoning Code Section 500.17., (Off-street Loading Requirements).
 - c) Parking and interior parking lot layout reconfigured to provide alignment of intersecting access aisles and internal circulation corridors, or provision for six (6) inch upright landscape island curbing at interior parking area locations where access isle intersections are disjointed.
 - d) A six foot high solid masonry wall along the north property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.
 - e) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
- 8) All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service areas.
- 9) 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.
- 10) Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
- 11) 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.
- 12) 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.

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 Congress Avenue, 60 feet from centerline (approximately an additional 10') 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 property owner shall construct:

a) Left Turn Lane South Approach on Congress Avenue at the project's north entrance road,

b) Left Turn Lane West Approach and Right Turn Lane East Approach on Melaleuca Lane at the 30 foot road right-of-way,

c) The 30-foot road right-of-way from Melaleuca Lane to the project's entrance road.

All concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner shall substitute a cash payment for the cost of this turn lane based upon a Certified Cost Estimate per the County Engineer's approval.

16) The property owner shall accept the stormwater runoff from the adjacent 30-foot road right-of-way through the project's internal stormwater system.

17) 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 \$201,461.

18) Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$100,730 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$302,191) to be paid prior to December 31, 1985.

It is the intent that these funds (\$302,191) shall be used for R/W acquisition and construction of Melaleuca Lane from Military Trail to Congress Avenue.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$100,730 shall be credited toward the increased Fair Share Fee.

19) 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.

20) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Melaleuca Lane and a permit from the Florida Department of Transportation for access onto Congress Avenue.

21) The property owner shall not be issued a Certificate of Occupancy until Water and Sewer Service is available to the site.

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

23) The property owner shall construct or cause to be constructed water and sewer lines and connections (to be made available at the property lines), to each property owner along Melaleuca Lane from

Congress Avenue to Military Trail. This water and sewer installation shall be concurrent with the road construction of Melaleuca Lane from Congress Avenue to Military Trail or as an alternative should this property owner elect to construct the water and sewer lines prior to the road construction this property owner shall:

a) Post Performance Security acceptable to the County Attorney's Office to ensure that the final tap in or connections for both Water and sewer shall be made to each lot owner at the time of the widening of Melaleuca Lane by others.

b) Restore all open cuts (roads and driveways) per the County Engineer's Approval to the existing condition.

Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Spillias, 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	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 19th day of NOVEMBER 1985 confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

