

RESOLUTION NO. R-85-1876R

RESOLUTION APPROVING ZONING PETITION 85-93, 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. 85-93 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, 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 22nd of August 1985, that Petition No. 85-93 the petition of SABRA ENTERPRISES, INC., By Kieran J. Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on that portion of Tract 8 of the "Palm Beach Farms Company No. 8", in Section 30, Township 45 South, Range 43 East, as recorded in Plat Book 5, at Page 73, lying North of the North Right-of-way line of State Road No. 804, less the North 54 feet of said Tract 8; being more particularly described as follows:

Commence at a Point of Intersection of the Northerly Right-of-way line of New Boynton Road (State Road No. 804) with the Easterly Right-of-Way line of Knuth Road, as shown on State Road Right-of-way Map, Section 93640-2175, Sheet 2 of 3; thence run North 00 degree

31'22" West, along the Easterly Right-of-way line of said Knuth Road, for a distance of 137.03 feet to a Point; thence North 87 degrees 54'06" East for a distance of 313.98 feet to a Point of Intersection with the East line of Said Tract 8; thence run South 00 degree 34'43" East along said East line of Tract 8, for a distance of 137.03 feet to a Point of Intersection with the Northerly Right-of-Way line of said New Boynton Road (State Road No. 804); thence run South 87 degrees 54'06" West, along the Northerly Right-of-way line of New Boynton Road (State Road No. 804), for a distance of 314.11 feet to the Point of Beginning. Together with:

The North 54 feet of Tract 8 of the "Palm Beach Farms Company No. 8", as recorded in Plat Book 5, at Page 73, together with that 25 foot Right-of-way lying North of and contiguous to said Tract 8, being bounded on the West by the Easterly Right-of-way line of Knuth Road as shown on the State Road Right-of-Way Nap for State Road No. 804, Section 93640-2175, Sheet 2 and 3, and bounded on the East by the Northerly extension of the East line of said Tract 8. Said property located on the northeast corner of the intersection of Boynton West Road (S.R. 804) and Knuth Road approximately 0.5 miles west of Congress Avenue (S.R. 807) was approved as advertised subject to the following conditions:

- 1) Prior to site plan certification the site plan shall be revised to reflect the following:
  - a) Removal or relocation of the two (2) parking stalls along the west property line nearest the corner at Knuth and Boynton West Road, pursuant to Zoning Code Section 500.17., (OFF-STREET PARKING REGULATIONS), and pursuant to Section 4.H., (Site Distance for Landscaping Adjacent to Public Rights-of-way).
  - b) Accommodation of required landscape strips outside of utility easements, or execution of requisite easement agreements in a form acceptable to the county and applicable utility company/ies.
  - c) A six foot high solid masonry wall along the north line with 10-12 foot high canopy trees planted 20 feet on center along the north and the east property lines.
  - d) Parking area interior landscaping pursuant to Landscape Code Section 4.G. landscape provisions shall be graphically depicted on the site plan, and interior landscaping requirement calculations shall be added to the site data tabulation.
- 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) All facades of the retail building 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 pickup will 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 retail building.

6) No parking of any vehicles shall be permitted along the rear of the retail building except in designated spaces or unloading areas.

7) Security lighting shall be directed away from nearby residences and rights-of-ways.

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) 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.

11) 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.

12) 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.

13) The property owner shall convey for the ultimate right-of-way of:

(a) Knuth Road, 30 feet from centerline,

(b) Boynton Beach Boulevard, 60 feet from centerline (approximately an additional 15 feet).

All 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.

14) The property owner shall construct Knuth Road with a 24 foot paved surface, from its present terminus north of Boynton Beach Boulevard to the north right-of-way of the L.W.D.D. L-24 canal concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. The construction of Knuth Road shall also include the construction of a new structure over the LWDD L-24 Canal per the LWDD's requirements. This construction shall be credited toward the Fair Share Impact Fee and the additional monetary contribution as determined in Condition No. 19.

15) The Developer shall convey to the Lake Worth Drainage District the north fifty-four (54) feet of tract 8 for the required right-of-way of Canal No. L-24, by Quit Claim Deed or an Easement Deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners. If said Canal No. L-24 is piped, less conveyance may be required per the Lake Worth Drainage District requirements.

16) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Knuth Road and a permit from the Florida Department of Transportation for access onto Boynton Beach Boulevard.

17) A maximum of 10,900 square feet of general retail shall be permitted at full buildout.

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

19) The property owner 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 \$16,797.00.

Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute \$4,200 towards roadway improvements in the appropriate Impact Fee Zone. These funds shall be paid prior to December 15, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$4,200 shall be credited toward the increased Fair Share Fee.

If the certified cost is less than the construction in Condition No 14, the balance shall be submitted to Palm Beach County at time of issuance of the first building permit.

20) There shall be no automotive service station located on this site.

21) The petitioner shall not proceed to draw building permits until sewer and water agreements are entered into with the City of Boynton Beach.

Commissioner Wilken, 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	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

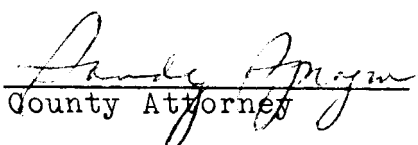
The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 22nd August 1985.

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