

RESOLUTION NO. R- 86-92

RESOLUTION APPROVING ZONING PETITION 75-72(A), Special Exception.

WHEREAS, the Board of County Commissione-s, 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 ana hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Coae Ordinance No. 73-2 have been satisfied; and

WBEREAS, Petition No. 75-72(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 reconmendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With phasing of permitted building square footage linked to thoroughfare improvements, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Relocation opportunities are available for owners of mobile hones who will be aisplaced, pursuant to the requirement of Section 723.083, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALK BEACH COUNTY, FLORIDA, assemblea in regular session this the 30th of October 1985, that Petition No. 75-72(A) the petition of DAN KRON, TRUSTEE, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANKED COMMERCIAL DEVELOPMENT, INCLUDING AN OFFICE/WAREHOUSE COMBINATION AND AN INTERIM WATER TREATMENT AND SEWAGE DISPOSAL PLANT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-72 BY DELETING THE OFFICE/WAREHOUSE COLBINATION AND THE INTERIM SEWAGE TREATMENT PLANT, AND TO INCLUDE A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest

1/4 of Section 26, Township 43 South, Range 42 East, Less the North 39 feet thereof, and on the West 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 43 South, Range 42 East, Less the North 39 feet thereof.

Said property located on the southeast corner of the intersection of Okeechobee Boulevard (S.R. 704) and Citation Drive and being bounded on the south by L.W.D.D. Lateral Canal No. 1 in a CG-General Commercial District 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) A ten (10) foot landscape strip or a five (5) foot landscape strip with a six (6) foot wall along the eastern property line.

b) Designation of the required and proposed landscaping.

c) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

d) Breakdown of excluded items of net leasable area calculations.

2. 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.

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

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) Okeechobee Boulevard, 70 feet from centerline
- b) Citation Drive, 40 feet from centerline.
- c) The additional right-of-way required for the construction of a right turn lane, west approach on Okeechobee Boulevard at the project's entrance road with the ultimate 8 lane section. This right-of-way shall be a minimum of 150 feet long by 12 feet wide plus the appropriate tapers

All within 90 days of adoption of the Resolution by the Board of County Commissioners; and conveyances must be accepted by Palm Beach County prior to issuance of first building Permit.

14. The property owner shall construct:

- a) left turn lane, east approach and a right turn lane, west approach on Okeechobee Boulevard at the project's east entrance,
- b) lengthen the existing left turn lane, east approach on Okeechobee Boulevard at Citation Drive at the project's west entrance per the County Engineer's approval (proposed length to be a minimum of 200 feet),
- c) right turn lane, west approach on Okeechobee Boulevard at Citation Drive,
- d) reconstruct Citation Drive as a 4 lane section from Okeechobee Boulevard south to a point 200 feet south plus the appropriate tapers, all concurrent with onsite paving 2nd drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
- e) reconstruct Citation Drive as a 2 lane section from the southern terminus south to the south property line.

15. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Citation Drive along the property frontage. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.

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. The Fair Share Fee for this project presently is \$241,298.00 (9,007 trips X \$26.79 per trip).

17. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$120,649.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$361,947.00) to be paid prior to October 1, 1986.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$120,649.00 shall be credited toward the increased Fair Share Fee.

18. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

19. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Citation Drive and a permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.

20. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

a) No more than 100,009 net leasable square feet of commercial building permits shall be issued until contracts have been let to construct Okeechobee Boulevard as a minimum six lane section from the entrance to the Florida Turnpike to Military Trail plus the appropriate paved tapers.

b) No building permits shall be issued for the remaining 84,760 net leasable square feet of commercial space until contracts have been let to construct Okeechobee Boulevard as a minimum four lane section from the Florida Turnpike to Golden Lakes Boulevard plus the appropriate paved tapers.

21. The property owner shall install signalization if warranted as determined by the County Engineer at Okeechobee Boulevard and Citation Drive. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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

23. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioner's public hearings shall be submitted to the Zoning Division for inclusion in the permanent petition file.

24. Should the site immediately east of this site, currently zoned Rh, be developed with residential uses, the developer shall place a six (6) foot wall along the eastern property line, supplemented with trees planted 30' on center.

25. Prior to the issuance of a certificate of occupancy, minimum landscape treatment shall be installed in accordance with Exhibit Number 21.

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 Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this day of **FEB 11 1986** confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: John Gray Ellington  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Janet Adams  
County Attorney