

RESOLUTION NO. R-87-1112

RESOLUTION APPROVING ZONING PETITION 84-165(A), 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. 84-165(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 27, 1987 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 required site plan modifications, this proposal **will** be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 84-165(A), the petition of LEWIS J. NOBLES, JR. AND RONNIE P. PERTHOY, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO EXTINGUISH A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-90 AND TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-165 TO INCREASE THE ACREAGE BY 1.20 ACRES OF LAND on the East 368.10 feet of the

South 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 43 South, Range 42 East, less the East 50.00 feet thereof for the right-of-way for State Road 809, Together with: Lot 41 through 47, Nichols Addition No. 2, Military Park in Section 24, Township 43 South, Range 42 East, according to the Plat recorded in Plat Book 10, Page 80. The property is located on the northwest corner of the intersection of Military Trail (SR 809) and Orlando Avenue in a CG-General Commercial Zoning District was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate a continuation of the solid wall (six (6) feet in height minimum) along the western property line.
3. Prior to site plan certification, petitioner shall record a Unity of Title Agreement or other suitable Unity of Control documents subject to the approval of the County Attorney and Director of Zoning covering the entire site. Unity of Title shall not preclude formation of a condominium on the property.
4. The rear facade of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future/nearby residential development.
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. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
8. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
9. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
10. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be

maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

11. The property owner shall convey for the ultimate right-of-way of:
 - a) Orlando Avenue, 30 feet from centerline
 - b) Military Trail, 60 feet from centerline

all within ninety (90) days of the approval of the Resolution approving this project.

12. The property owner shall construct:
 - a) right turn lane, north approach on Military Trail at the project's entrance road
 - b) left turn lane, west approach on Orlando Avenue at Military Trail

concurrent with onsite paving and drainage improvements.

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 \$73,780.00 (2,754 trips X 826.79 per trip).

Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$18,445.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$92,225.00 to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$18,445.00 shall be credited toward the increased Fair Share Fee. Note: Impact Fees already paid by this developer shall be credited toward the \$92,225.00.

14. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
15. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.

Commissioner Wilken, moved for approval of the petition.

The motion was seconded by Commissioner Elmquist, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	-- Absent
Karen T. Marcus	-- Aye
Dorothy Wilken	-- Aye
Kenneth M. Adams	-- Absent
Carol J. Elmquist	-- Aye

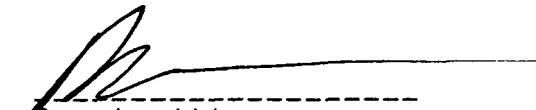
The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 27, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney