

RESOLUTION NO. R-90-363

RESOLUTION APPROVING ZONING PETITION NO. 89-97
SPECIAL EXCEPTION PETITION OF W. G. LASSITER, JR.

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 have been satisfied; and

WHEREAS, petition No. 89-97 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-97, the petition of W.G. LASSITER, JR., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, on a parcel of land known as Parcel I: The South 120.28 feet of the North 340.56 feet of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less the East 40.00 feet thereof; and, Parcel 11: The South 120.28 feet of the North 460.84 feet of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less the East 40.00 feet thereof; and parcel 111: The South 145.42 feet of the North 606.26 feet of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less the East 40.00 feet thereof; and, being located on the west side of Military Trail (SR 809), approximately .04 mile south of the intersection in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Prior to site plan approval, the petitioner shall submit:

- a. A tree survey at the same scale as the site plan; and,
 - b. A landscape betterment plan that maximizes the preservation of existing vegetation. This plan shall relocate and cluster interior islands to create preservation areas, particularly along Military Trail and the western property line.
2. Prior to site plan approval, the site plan shall be revised to reflect:
 - a. A maximum of 26,000 square feet of leasable floor area and a maximum of 130 parking stalls;
 - b. Those excess parking stalls eliminated as a result of Condition No. 2.a shall be used for vegetation preservation;
 - c. A minimum of one (1) tree shall be planted or preserved for each twenty (20) linear feet along the western property line; and,
 - d. A minimum of one (1), twelve (12) foot tall native canopy tree shall be planted or preserved for each twenty (20) linear feet of frontage along Military Trail, a minimum of a thirty-six (36) inch tall hedge, and one (1) native palm tree for each forty (40) linear feet of frontage.
 3. Prior to vegetation removal permitting, the petitioner shall submit:
 - a. A landscape betterment plan which clearly identifies individual trees and areas of vegetation that shall be incorporated into the project design.
 4. Prior to commencing with vegetation removal operations, the petitioner shall:
 - a. Clearly identify and mark all trees to be preserved consistent with the approved landscape betterment plan.
 - b. Install appropriate protective barriers around individual and groups of trees to be preserved.
 - c. No clearing shall commence until all protection devices are installed by the petitioner and inspected and approved by the Zoning Division.
 5. There shall be no outdoor storage of material or debris behind the center.
 6. Lighting fixtures in the rear of the center shall not exceed twelve (12) feet in height.
 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

9. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
10. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Military Trail, 67 feet from centerline; and
 - b. Construction of a right turn lane, north approach on Military Trail at the project's south entrance road. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length with a taper length of 180 feet.

All free of encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

12. The Property owner shall construct a right turn lane, north approach on Military Trail at the project's south entrance road concurrent with the 6 laning of Military Trail. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. This property owner shall be responsible for any Change Order associated with this construction.
13. 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.

14. Property owner shall revise the existing site plan so that the south entrance becomes a median divided entrance way and the north entrance shall be designed for a service entrance only.
15. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits shall be issued until construction has begun for Military Trail as a 6 lane section from Lake Worth Road to Melaleuca Lane plus the appropriate paved tapers; and,
 - b. Building Permits for more than 14,300 square feet of gross leasable floor area shall not be issued until construction has begun for Melaleuca Lane from Military Trail to Congress Avenue as a 4 lane facility plus the appropriate paved tapers.
16. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
17. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

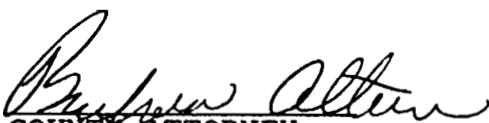
Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLEY, CLERK

BY:


DEPUTY CLERK