

RESOLUTION NO. R-90-760

RESOLUTION APPROVING ZONING PETITION NO. 85-176(A)
MODIFICATION OF A SPECIAL EXCEPTION TO PERMIT PHASING,
PETITION OF ANTHONY AND PHYLLIS LO CASTRO

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. 85-176(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 28, 1988; 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, 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 made the following findings of fact:

1. This proposal is 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, that Petition No. 85-176(A), the petition of ANTHONY AND PHYLLIS LO CASTRO for a MODIFICATION OF A SPECIAL EXCEPTION TO PERMIT PHASING TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS, AND GASOLINE PUMP ISLAND FACILITIES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-176 ON JANUARY 30, 1986 (RESOLUTION NO. R-86-573-14 ADOPTED ON APRIL 22, 1986) TO PERMIT PHASING on a parcel of land lying on Tracts 41 and 42 Block 34 Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2 pages 45-54 as in Section 31, Township 44 South, Range 42 East, Less Right-of-way for Lantana Road, being located on the northeast corner of the intersection of Lantana Road and State Road No. 7 (U.S. 441), in a CG-General Commercial Zoning District, was approved as advertised on October 28, 1988, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

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2. Prior to site plan certification, the petitioner shall dedicate the west 45.00 feet of Tract 41, Block 34, according to the plat of The Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45 to 54 inclusive, public records of Palm Beach County, Florida, for the right-of-way for Equalizing Canal No. 1. The Lake Worth Drainage District will accept a Quit Claim Deed or an Easement Deed, whichever the owner prefers.
3. Condition No. 21 of Zoning Petition No. 85-176 (Resolution No. R-86-573-14 adopted April 22, 1986) which currently states:

"21. Surety required for the offsite road improvements as outlined in Condition No. 18, No. 19, No. 20 shall be posted with the Office of the County Engineer prior to June 22, 1986."

is hereby amended to read as follows:

"Prior to any further site plan approvals, or issuance of building permits, or July 1, 1989, whichever shall first occur, the property owner shall either post surety required for the funding of construction of Lantana Road as outlined in Condition Nos. 18, 19, 20 and 21 of Zoning Petition No. 85-176 (Resolution No. R-86-573-14 adopted April 22, 1986) or comply with Condition Nos. 18, 19, 20 and 21 of Resolution No. R-86-573-14. Because this is a major thoroughfare which other developers may be relying on for assured construction, no time extensions for this surety may be granted by staff. At the time surety in the amount of 110% is posted, Palm Beach County may draw upon this surety for any and all items associated with the road construction, thereby relieving this developer from construction of Lantana Road as outlined in previously approved Condition Nos. 18, 19, 20 and 21 of Zoning Petition No. 85-176 (Resolution No. R-86-573-14 adopted April 22, 1986)."

4. No off-premise signs shall be permitted on the site.
5. Property owner shall record a Unity of Control on the subject property prior to site plan approval, subject to approval by the County Attorney and the County Engineer, until provisions of Palm Beach County's Subdivision and Platting Regulations have been met.
6. This project shall not have any convenience store(s) unless associated as an accessory use to a gasoline service station and in such event, the convenience store portion of the gasoline service station shall not exceed 1,100 square feet of usable retail space.
7. Except for a gasoline service station, this project shall be phased so that no certificate of occupancy shall be issued prior to November 1, 1991 and, in any event, not prior to the completion of all off-site roadwork contemplated by these conditions.

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8. In the event that the Palm Beach County Sheriff's Office determines that there is an above-average response rate associated with this property as compared to similar land uses, the property owner shall employ on-site security personnel within thirty (30) days of written notice and demand by Palm Beach County. Security personnel shall be maintained for a period of six (6) months beyond the date of a determination by the Sheriff's Office that the response rate has been reduced to an average level.
9. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
10. Building Permits for the gasoline/convenience store shall not be able to be obtained prior to July 1, 1989. The remainder of the center (Phase 11) shall not be issued until contracts for the construction of:
 - a) A 7-lane bridge over the E-1 Canal and the 4-laning of Lantana Road, and
 - b) The 4-laning of SR 7 from Lantana Road to Lake Worth Road have both been let.
11. Access onto SR 7 shall only be permitted when SR 7 is 4-laned across the project's frontage. Once SR 7 is 4-laned access shall include a right turn lane on the South approach.

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Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of May, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Barbara Altman
COUNTY ATTORNEY

BY:

Jane F. Williams
DEPUTY CLERK



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 5-8-90
DATED at West Palm Beach, FL on 12-26-90
JOHN B. DUNKLE, Clerk,
By: Sheresa K. Burt D.C.

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