

RESOLUTION NO. R-85-662

RESOLUTION APPROVING ZONING PETITION 85-8, 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. 85-8 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 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 amendment to the site plan, this proposal will be 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 24th of January 1985, that Petition No. 85-8 the petition of THE SWIN CORPORATION By Bram D.E. Canter, Esquire for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTOMOBILE SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES on Lots 1 and 6 of the Replat of West Park, according to the Plat thereof in Section 25, Township 43 South, Range 42 East, as recorded in Plat Book 18, Page 17. Said property located on the southwest corner of the intersection of Military Trail (S.R. 809) and Bensel Street and being bounded on the south by Durham Street in an 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 six foot high solid masonry wall in a 5 foot wide landscape strip along the west property line with 10-12 foot high canopy trees planted **20 feet** on center on the inside of the wall.

b) Relocation of the loading area away from the adjacent residential area to the Military Trail side of the building.

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. The east, south and west 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.

4. No stock loading or dumpster pickup will be permitted between the hours of **8:00 p.m.** and **8:00 a.m.**

5. Heavy landscaping shall be installed along the Durham Street facade of the building, The north facade of the shopping center will be landscaped with foundation plantings and with canopy tree within adjacent paved areas.

6. There shall be no storage or placement of any materials, refuse, equipment or accumulated debris in the rear of the shopping center.

7. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.

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

9. 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.

10. The property owner shall convey for the ultimate right of way of Military Trail, **60** feet from centerline approximately an additional **7** feet, 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.

11. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, Rensel Street from Military Trail west to the project's west property line, unless previously paved by another party.

12. The property owner/developer shall be permitted only one entrance/exit onto Military Trail per the County Engineer's approval.

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. Presently The Fair Share Fee for this project is **\$18,300.00**,

14. 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.

15. 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.

16. 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.

17. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

18. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Owens, and upon being put to a vote, the vote was as follows:

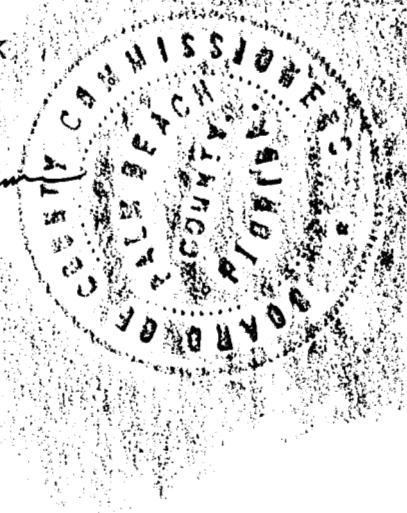
Ken Spillias, Chairman	--	AYE
Dorothy Wilken, Vice Chairman	--	ABSENT
Kenneth M. Adam, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of April, 1985, confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Dandy Sprague
County Attorney