

RESOLUTION NO. R-89-612

RESOLUTION APPROVING ZONING PETITION NO. 82-152(C)
SPECIAL EXCEPTION PETITION OF DONALD C. MALASKY

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. 82-152(C), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 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. 82-152(C), the petition of DONALD C. MALASKY, by John Sanford, Jr., Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION INCLUDING A RECREATIONAL VEHICLE STORAGE FACILITY AND COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-152 ON OCTOBER 28, 1982 (RESOLUTION NO. R-83-204 ADOPTED FEBRUARY 8, 1983) ZONING PETITION NO 82-152(A) ON SEPTEMBER 26, 1986 (RESOLUTION NO. R-87-230 ADOPTED FEBRUARY 10, 1987) AND ZONING PETITION NO. 82-152(B) ON MAY 28, 1987 (RESOLUTION NO. R-87-1188 ADOPTED AUGUST 11, 1987), TO REDESIGN THE SITE, on a parcel of land lying on Lots 38 to 49, inclusive, less the West 35.00 feet thereof, Military Park, Halls Addition, according to the plat thereof recorded in Section 24, Township 43

South, Range 42 East, as recorded in, Plat Book 12, Page 44; and Cecil Avenue (now vacated) as shown on the Plat of Military Park Halls Addition, according to the plat thereof recorded in Plat Book 12, Page 44; less that part of Cecil Avenue lying within 60.00 feet of the base line survey of State Road 809, and the North 170.00 feet of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East, less the West 60.00 feet thereof.

LESS HOWEVER THE FOLLOWING PARCEL: beginning at the Southwest corner of the above described parcel; thence North 01 degrees 23' 24" East, along the East right-of-way line of Military Trail, a distance of 28.76 feet; thence, South 89 degrees 01' 48" East, a distance of 394.72 feet; thence, South 00 degrees 51' 24" West, a distance of 28.76 feet; thence, North 89 degrees 01' 48" West, along the South line of the said North 170.00 feet, a distance of 394.99 feet to the POINT OF BEGINNING, located on the east side of Military Trail (S.R. 809), approximately .3 mile north of Okeechobee Boulevard (S.R. 704), bounded on the north by the Florida East Coast Railroad Right-of-Way, 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 the following:
 - a. Required traffic control signs and pavement markings.
 - b. Required perimeter landscaping.
3. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on subject site.
4. The petitioner shall amend site plan to show no recreation vehicle storage on site.
5. No outdoor loud speaker system shall be permitted on site.
6. No outside storage of disassembled vehicles or parts shall be permitted on site.
7. No off-premise signs shall be permitted on site.
8. Parking of vehicles shall be limited to those areas designated for parking.
9. There shall be no outdoor repair of vehicles.

10. The additional five (5) feet provided west of the two structures nearest Military Trail will be reserved for landscape.
11. 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.

If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waster from the proposed site.

12. 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. The Fair Share Fee for this project presently is \$18,164.00 (678 trips X \$26.79 per trip)
13. In addition, the petitioner shall contribute the amount of \$1,817.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$19,981.00 shall be paid prior to the issuance of the first Building Permit.
14. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
15. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
16. Since water service is available to the property, a potable water well shall not be approved for use on

said property.

17. Additional Staff Recommends Petitioner shall provide an additional five (5) feet of maneuvering distance to aid in reducing vehicular circulation problems in two areas:
 - 1) between 15,200 square feet office warehouse and auto service structures, from 50 feet to 55 feet
 - 2) North of the 15,000 square foot auto service structure and property line from twenty (20) to twenty-five (25) feet
18. Condition No. 9 of Zoning Petition No. 82-152(B) (Resolution No. R-87-230) which states:

"9. The land uses indicated in Condition No. 8 above shall be restricted to the single building closest to Military Trail."

shall be amended to read:

"9. The land uses indicated in Condition No. 8 above shall be restricted to the three (3) buildings closest to Military Trail."
19. The trees to be planted along Military Trail shall be native canopy trees planted ten (10) feet to twelve (12) feet overall height at the time of planting.

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Barbara Ottem
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Lina M. Blair
DEPUTY CLERK

