

RESOLUTION NO. R-89- 758

RESOLUTION APPROVING ZONING PETITION NO. 87-124
SPECIAL EXCEPTION PETITION OF JOHN T. MIHLROTH

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. 87-124 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 29, 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, 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. 87-124, the petition of JOHN T. MIHLROTH, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT 1) A PLANNED COMMERCIAL DEVELOPMENT, 2) INCLUDING AN AUTOMOBILE SERVICE STATION AND 3) A FINANCIAL INSTITUTION on a parcel of land lying in Section 6, Township 44 South, Range 43 East and also being part of Tract 8 and 1, Block 4, "Palm Beach Plantations Plat No. 1" according to the Plat thereof, recorded in Plat Book 10, Page 20, more particularly described as follows:

Commence at the Southeast corner of said Section 6; thence run along the Easterly line of said Section 6, North 3 degrees 07' 00" East, a distance of 1064.32 feet: thence North 87 degrees 00' 41" West, a distance of 67.00 feet to the Point of Beginning, on the West line of Congress Avenue: thence with the outlines of

Parcel 1 of Book 3917, Page 7, South 3 degrees 07' 00" West, a distance of 187.00 feet: thence North 87 degrees 00' 41" West, a distance 596.28 feet; thence with a portion of the West line of O.R. Book 1371, Page 395, North 2 degrees 59' 19" East 685.81 feet: thence along the South line of Summit Boulevard as shown on Palm Beach County Florida Engineering Department Drawing No. 894124, Sheet 6 of 8, South 88 degrees 00' 28" East a distance of 185.85 feet; thence South 84 degrees 49' 40" East a distance of 180.28 feet: thence South 88 degrees 00' 28" East, a distance of 81.88 feet; thence with the outlines of O.R. Book 1590, Page 492, South 3 degrees 07' 00" West, a distance of 190.00 feet; thence South 88 degrees 00' 28" East, a distance of 150.00 feet; thence along the West line of Congress Avenue as shown on State of Florida State Road Department Right-of-way Map Section No. 93580-2601, Sheet 7 of 8, South 3 degrees 07' 00" West a distance of 309.20 feet to the Point of Beginning, located approximately 170 feet from the southwest corner of the intersection of Summit Boulevard and Congress Avenue, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan approval, the site plan shall be amended to indicate the following:
 - a. Required number of trees.
 - b. Relocation of the 60,000 square foot bank building southward to accommodate improved circulation and distribution of parking in the northern portion of the site, acceptable to the Palm Beach County Zoning Division and the Palm Beach County Traffic Division.
 - c. Increased landscaping along the eastern property line. This shall include 10-12 foot canopy trees spaced 25 feet on center supplemented with hedge material 36 inches high spaced 24 inches on center.
 - d. Realignment of the 2 story office building or the eastern 30 foot ingress/egress to accommodate safe and smooth traffic flow and an identifiable entrance to the site.
 - e. Relocation of the several sabal palms on site to a required landscape area.
2. 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.

3. The property owner shall convey for the ultimate right-of-way of:
 - a. The necessary Right-of-way for the intersection of Congress Avenue and Summit Boulevard.
 - b. Summit Boulevard, 59.25 feet from centerline, for a distance of 150 feet from the subject property, plus the appropriate tapers to be determined by the Palm Beach County Engineering Department, as approved by the Palm Beach County Engineering Department, all within 90 days of the approval of the Resolution approving this project or prior to issuance of the Building Permit, whichever shall first occur.
4. The property owner shall construct:
 - a. A left turn lane, south approach on Congress Avenue at the project's north entrance in accordance with Florida Department of Transportation approval. If such a permit cannot be obtained, relocate the north entrance a distance of 60 feet to the north subject to approval by the County Engineer and the Florida Department of Transportation concurrent with onsite paving and drainage improvements.
 - b. A right turn lane, west approach and a left turn lane approach south at Summit Boulevard and the project's existing turnout.
5. 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 \$62,126.00 (2,319 trips x \$26.79 per trip). A surcharge of \$15,532 for total funds of \$77,678 shall be paid prior to the issuance of first building permit or prior to February 1, 1988.
6. 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.

7. Since sewer service is available to the property, septic tanks shall not be approved for use on said property.
8. Since water service is available to the property, a potable water well shall not be approved for water use on said property.
9. Prior to site plan certification, petitioner shall present evidence of preliminary approval of its surface water management plan by South Florida Water Management District.
10. No off premises or billboard-type signs shall be permitted on the site.
11. Repave the existing north-south roadway concurrent with the paving and drainage plan.
12. Proposed project shall be limited to a maximum of 60,000 square foot bank with three (3) drive-in tellers plus a maximum of 18,338 square feet of professional office building (no medical offices).
13. The common driveway for the subject site shall not be used for drainage purposes (i.e., catch basins or retention).
14. Prior to site plan certification, petitioner shall record a Unity of Control Agreement covering the entire site. Evidence of this recorded Unity shall be submitted simultaneously with the site plan certification application.

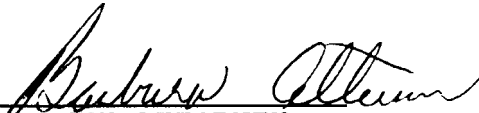
Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of October 29, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

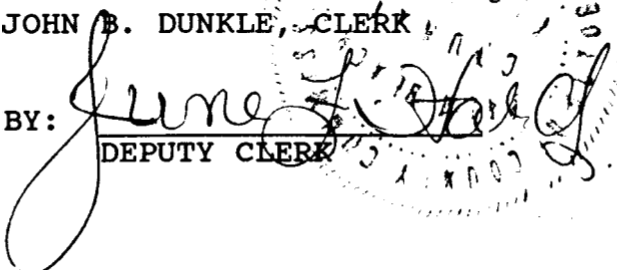
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK