

RESOLUTION NO. R-89-1059

RESOLUTION APPROVING ZONING PETITION NO. 88-121
SPECIAL EXCEPTION PETITION OF ADAMS INVESTMENT COMPANY, INC.

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. 88-121 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 88-121 the petition of ADAMS INVESTMENT COMPANY, INC., by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A MIX OF PERMITTED USES on a parcel of land lying on a parcel of land in the Northwest 1/4 of Section 4, Township 42 South, Range 43 East, more particularly described as follows:

Commence at the southwest corner of said Northwest 1/4; thence North 02 degrees 46' 10" West, along the West line of said Northwest 1/4, a distance of 783.24 feet to a point; thence, North 90 degrees 00' 00" East, a distance of 723.19 feet to the Point of Beginning of the hereinafter described parcel; thence, North 12 degrees 04' 00" East, a distance of 200.00 feet to a point; thence, North 90 degrees 00' 00" East, a distance of 460.00 feet to a point on the West Right-of-way line of U.S.

Highway No. 1 as recorded in Road Plat **Book 2**, Pages **105** through **118**; thence South **12 degrees 04' 00"** West, along said Right-of-Way line, a distance of **200.00** feet to a point: thence South **90 degrees 00' 00"** West, departing from said Right-of-way line, a distance of **460.00** feet to the Point of Beginning, being located on the west side of **U.S. Highway No. 1 (SR 5)**, approximately **.2** mile north of **PGA Boulevard (SR 703)** in a **CG-General Commercial Zoning District**, was approved **as** advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Relocation of the required hedge and canopy vegetation along **U.S. 1 (State Highway 5)** from the fifteen (**15**) foot Florida Power and Light utility easement to an area adjacent to the parking lot:
 - b. The required number of handicap parking spaces; and
 - c. Graphic depiction of **all** safe sight corners.
2. The petitioner shall incorporate and preserve the existing native sand pines to the greatest extent possible. An Alternative Landscape Betterment Plan may be submitted to permit flexibility in location of interior landscape islands to satisfy this preservation requirement.
3. Install ten (**10**) to twelve (**12**) foot high canopy shade trees, thirty (**30**) feet on center, along the west and south property lines.
4. **No** off-premises signs will be permitted on-site.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. 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.

8. The property owner shall construct a right turn lane, north approach on U.S. 1 at the project's north entrance road. Construction shall be subject to approval by the Florida Department of Transportation with concurrent approval by the County Engineer, concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy provided said permit can be obtained by the Florida Department of Transportation. If said permit cannot be obtained, then this petitioner shall be relieved of this condition.
9. 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 \$16,074.00 (600 trips X \$26.79 per trip).
10. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

A minimum of 10,000 square feet of the subject site shall be used as a "furniture store" or equivalent traffic generation uses. These uses shall be subject to approval by the County Engineer.
11. Prior to any construction on the subject site, the property shall be investigated by a qualified expert to determine if there are any endangered species inhabiting the site. If the study determines that such species exist on the property, no construction may begin until a relocation program is established in conjunction with the appropriate environmental agency, and such a program implemented.
12. Prior to site plan approval, the petitioner shall modify the site plan to relocate eleven (11) parking spaces to create space for a native vegetation preserve area in the rear of the site. To the extent possible, the trees and other sensitive vegetation on the site that fall within the areas designated for parking and building, and are transportable, shall be relocated to the vegetation preserve areas. Such relocation shall be

performed prior to construction **of** the remainder of the site.

13. Prior to construction, but within 120 days of the completion of the analysis, access to the site shall be permitted to parties mutually approved by the County and the petitioner, for removal **of** any remaining sensitive vegetation that could not be relocated to the onsite preserve due to space limitations. Such vegetation shall be used only for establishment of a new population, or enhancement of an existing population, at a protected location, and not removed for sale.

The revised site plan, relocation plan, and maintenance plan for the preserve shall be approved by the Department of Environmental Resources Management: prior to the initiation of work on the site.

14. The petitioner shall install Alternative Landscape Buffer **No. 3** where the site abuts residential zoned land to the north, west and south.
15. 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 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
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

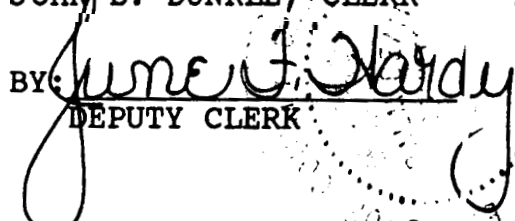
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK