

RESOLUTION NO. R-89-1077

RESOLUTION APPROVING ZONING PETITION NO. 88-112
SPECIAL EXCEPTION PETITION OF PALM BEACH HOLDING CORPORATION

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. 88-112 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 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. 88-112 the petition of PALM BEACH HOLDING CORPORATION, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING; 1) AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND; 2) A CAR WASH (AUTOMATIC). (THIS APPROVAL EXTINGUISHES A PORTION OF A SPECIAL EXCEPTION FOR AN OFFICE/WAREHOUSE COMBINATION (PETITION NO. 84-137(A)) on a parcel of land lying on a parcel of land being a part of Tract 70, Block 5, Palm Beach Farms Company, Plat No. 3, in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 46 through 54 inclusive, more particularly described as follows:

Commencing at the Northwest corner of said Tract 70: thence South 82 degrees 58' 24" East, along the North line of said Tract 70, a distance of 15.00 feet; thence, South 00 degrees 00' 00" East, along a line 15.00 feet Easterly of, as measured at right angles to, the West line of said Tract 70, a distance of 372.33 feet to the Point of Beginning; thence, South 87 degrees 28' 25" East, parallel with the Northerly ultimate Right-of-way line for State Road 80; a distance of 315.49 feet to a point on the East line of

the West 1/2 of said Tract 70; thence, South 00 degrees 00' 00" East, along the East line of the West 1/2 of said Tract 70, a distance of 170.00 feet to a point on the Northerly ultimate Right-of-way line for State Road 80; thence North 87 degrees 28' 25" West, along said Right-of-way line, a distance of 315.49 feet; thence, North 00 degrees 00' 00" East, along a line 15.00 feet Easterly of, as measured at right angles to, the West line of said Tract 70, a distance of 170.00 feet to the Point of Beginning, being located on the northeast corner of the intersection of Southern Boulevard (SR 80) and Cleary Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Resolution No. R-85-567, (Petition No. 87-137(A) Special Exception to allow Office/Warehouse Combination) is hereby repealed in its entirety.
2. Prior to Site Plan Review submittal, the site plan shall be revised to reflect the removal of seven (7) excess parking spaces located on the southwestern portion of the site to preserve native vegetation and reduce pedestrian and vehicular circulation conflicts.
3. Concurrent with the taking of the reservation area along Southern Boulevard the petitioner shall establish a minimum five (5) foot landscape strip with a hedge twenty four (24) inches in height, spaced two (2) feet on center and trees with minimum eight (8) foot height spaced thirty (30) feet on center along the Southern Boulevard property line.
4. The site shall be cleared of all prohibitive species prior to the issuance of a building permit.
5. Off-premises signs shall not be permitted on-site.
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. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.

10. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
11. Prior to Site Plan approval, the property owner shall reserve the ultimate right-of-way for Southern Boulevard, a total of 220 feet.
12. The property owner shall construct a right turn lane, east approach on Southern Boulevard at the project's entrance subject to approval by the Florida Department of Transportation provided said permit can be obtained, This construction shall be subject to concurrent review by the County Engineer and shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Should the Florida Department of Transportation not issue a permit for this construction, then this petitioner shall be relieved from this obligation,
13. The property owner shall only be permitted one entrance onto Cleary Road and only one entrance onto State Road 80 subject to approval by the County Engineer.
14. 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, based upon the number of approved trips, is \$46,641.00.
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 Elmquist moved for approval of the petition. The motion was seconded by Commissioner Roberts and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

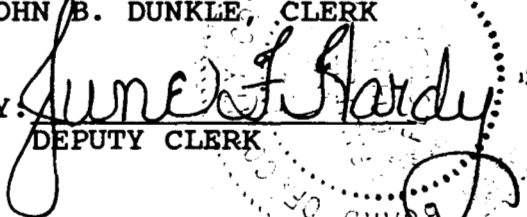
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK