

RESOLUTION NO. R-89- 1631

RESOLUTION APPROVING ZONING PETITION NO. 77-79(A)
SPECIAL EXCEPTION PETITION OF OLD STONE BANK

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 have been satisfied: and

WHEREAS, Petition No. 77-79(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 77-79(A) the petition of OLD STONE BANK, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING (1) AN EXISTING LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET, AND (2) AN AUTO SERVICE STATION (NO MAJOR REPAIRS - AUTO LUBE) on a parcel of land lying on a parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 12, Township 44 South, Range 42 East, described as follows: Beginning at a point in a line parallel with and 60.00 feet South of, measured at right angles to, the centerline of Forest Hill Boulevard shown on Road Plat Book 2, page 148, and distant thereon 150.46 feet westerly from the westerly right-of-way line of Military Trail (SR 809) shown on Road Plat Book 3, page 74, thence run westerly, along said parallel line, a distance of 640.00 feet: thence southerly at right angles to the last preceding course, a distance of 676.00 feet: thence easterly at right angles to the last preceding course a distance of 647.45 feet, more or less, to a point 175.00 feet westerly from said westerly right-of-way line of Military Trail: thence southerly along a line parallel with the East line of the Southwest 1/4 of said Section 12, a distance of 97.18 feet more or less, to a point on the South line of the North 1/4 of Lot 4, Block 3, Model Land Company's Subdivision of Section 12, Plat Book 10, page 20, thence Easterly along

said South line of the North 1/4 of Lot 4, a distance of 174.79 feet, more or less, to the westerly right-of-way line of Military Trail, said right-of-way line being the arc of a curve concave to the West having a radius of 21,432 feet; thence northerly along the said westerly right-of-way line of Military Trail and along the arc of said curve a distance of 95.65 feet to the end of said curve, thence continue northerly along the said westerly right-of-way line of Military Trail a distance of 535.12 feet, more or less, to a line parallel with and 203.00 feet southerly from, measured at right angles, the said centerline of Forest Hill Boulevard, thence westerly, along last said parallel line, a distance of 157.23 feet; thence northerly at right angles to the last preceding course, a distance of 143.00 feet, more or less, to the Point of Beginning; and a tract of land in Section 12, Township 44 South, Range 42 East, Plat No. 1 "Palm Beach Plantations", Plat Book 10, page 20, more particularly described as follows: Commence at the Southeast corner of the Southwest 1/4 of said Section 12 and run North 02 degrees 42' 30" West, (an assumed bearing) along the 1/4 Section Line a distance of 500.40 feet; thence run South 89 degrees 59' 57" West along the South line of the North 1/4 of Lot 4, Block 3, of said Palm Beach Plantations, Plat No. 1, a distance of 53.27 feet to the Point of Beginning; from Point of Beginning continue South 89 degrees 59' 57" West along said South line of the North 1/4 of Lot 4 a distance of 174.79 feet; thence run North 02 degrees 42' 30" West a distance of 97.18 feet; thence East a distance of 175.00 feet to the West right-of-way line of Military Trail (State Road No. 809), Road Plat Book 3, page 74; thence run South 02 degrees 42' 30" East along said right-of-way line a distance of 1.53 feet to the Point of Curvature of a curve concave West and having a radius of 21,432.94 feet; thence run Southerly along the arc of said curve through a central angle of 00 degrees 15' 20" a distance of 95.65 feet to the Point of Beginning; subject to easements, reservations and restrictions of record, being located on the west side of Military Trail (SR 809), approximately 650 feet south of Forest Hill Boulevard (SR 882), in a CG-General Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate:
 - a. Required number of trees pursuant to Section 500.35.6.7 for the 12.89 acre site;
 - b. Required fifteen (15) foot wide landscape strip for the subject .39 acre auto service parcel. This fifteen (15) foot strip shall be exclusive of the ultimate Right-of-way for Military Trail;
 - c. Ultimate Right-of-way for Military Trail;
 - d. Revised landscape tabular information for the entire 12.89 acre site;
 - e. Frontage dimension for Parcel D;
 - f. Square footage for the Garden Shop; and,
 - g. Required transfer of specialized vehicular use area landscape requirements to the perimeter of the site.
2. Use of the subject .39 acre parcel shall be limited to a 2,170 square foot quick oil change facility.

3. **No** outside storage of disassembled vehicles or parts thereof shall be permitted on site.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles is to be allowed in landscaped areas, Rights-of-way or interior drives.
5. Prior to issuance of a building permit, the petitioner shall submit to the Zoning Division, an overall landscape plan for the entire 12.89 planned commercial development which indicates:
 - a. The location of all required plant materials for the .39 acre lease parcel in accordance with Section 500.35 of the Zoning Code; and,
 - b. The location of the 196 trees within the overall 12.89 acre development as prescribed in Section 500.35.G.7 and E.1.a(2) of the Zoning Code. .
6. **No** off-premise signs shall be permitted on the site.
7. Prior to issuance of a certificate **of** occupancy for the auto service facility located in the southeast corner of the site, the petitioner shall install 225 trees as required in Section 500.35.G.7 and E.1.a.(2) of the Zoning Code.
8. 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.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
12. 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.

13. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
14. Within 90 days of notice by the County Engineer, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed when requested for the expanded intersection construction at Military Trail:
 - a. Military Trail, 60.5 feet from centerline adjacent to the auto lube site.
15. The petitioner 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 the Jiffy Lube presently is \$2,733.00 (102 trips X \$26.79 per trip).
16. Prior to site plan certification the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
17. 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.

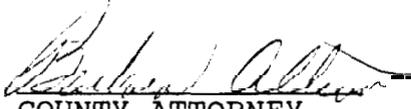
Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

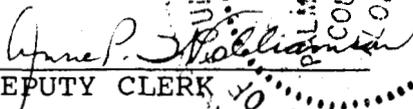
Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

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