

RESOLUTION NO. R-90-63

RESOLUTION APPROVING ZONING PETITION NO. 89-53
SPECIAL EXCEPTION PETITION OF INTERCHANGE PARTNERS

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. 89-53 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 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. 89-53 the petition of INTERCHANGE PARTNERS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE 1) AN AUTO SERVICE STATION (NO REPAIRS); AND 2) A CAR WASH, WHICH EXTINGUISHES A PORTION OF A SPECIAL EXCEPTION FOR A TELEPHONE EXCHANGE AND SUBSTATION (PETITION 85-57) on a parcel of land lying on the South 239.34 feet of the East 182.00 feet of described parcel: Tract 64, Block 24, Palm Beach Farms Plat NO.3 Plat Book 2, pages 45 to 54, as follows: Beginning at the Southwest corner of Tract 64 for the point of beginning; thence run Northerly along the West line of said Tract a distance of 660.00 feet, to the Northwest corner thereof; thence run Easterly along the North line of said Tract 329.28 feet to a point; thence run Southerly a distance a distance of 660.00 feet, more or less, to a point in the South line of said Tract; thence run Westerly 329.62 feet along the South line of said Tract to thee point of beginning; less State Road 802 Right-of-way and less the following described portion. Commencing at the intersection of West line of said Tract 64, and the North Right-of-way line of State Road No. 802 (Lake Worth Road), thence Northerly along the West line of Tract 64, West Block 24, a distance of 188.00 feet to the Point of Beginning; thence continue Northerly, along the West line of said Tract 64, a distance of 55.26 feet to a point;

thence Easterly, making an angle with the preceding course of 80 Degrees 27' 25" measured from South to East, a distance of 25.02 feet to a point; thence Southerly, at right angles to the preceding course, a distance of 54.50 feet to a point; thence Westerly, at right angles to the preceding course, a distance of 15.86 feet to the point of beginning, being located on the northwest corner of Lake Worth Road (40th Street South) and the Sunshine State Parkway (Florida's Turnpike), in a CG-General Commercial Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. A minimum fifteen (15) foot landscape strip along the south property line;
 - b. Location and number of trees to be preserved or relocated; and,
 - c. A minimum of 2,136 square feet of interior landscape area transfer in the tabular data.
2. Prior to Site Plan Review Committee certification, the site plan shall be amended indicating the proposed site design and location of Petition No. 89-54. The site plan shall be labeled to clearly indicate the petition number and that Petition No. 89-54 is not included in the certification of the site plan.
3. All lighting shall be of low intensity, shielded and directed away from surrounding properties and Rights-of-Way.
4. There shall be no repair of vehicles on site except those repairs associate with emergency services.
5. There shall be no storage of vehicles on site.
6. Simultaneous with Site Plan Review Committee Application, the petitioner shall submit two (2) copies of a properly executed Unity of Control, unifying both this petition and Petition No. 89-54. The Unity of Control shall include a provision providing for a unified architectural design with Petition No. 89-54 and be subject to approval by the County Attorney.
7. Prior to Site Plan Certification, the site plan shall be amended to indicate a master signage program including sign character which is consistent with the adjacent parcel 89-54. Free standing point of purchase sign shall be limited to a maximum of sixty-four (64) square feet and shall be limited to a maximum of thirty-five (35) feet in height, and supporting structures shall be of consistent color and character with that of the adjacent parcel.
8. A unified landscape plan shall be developed for the subject site and adjacent motel and restaurant. The landscape plan shall be upgraded by including one (1) native canopy tree for each twenty (20) lineal feet and one (1) palm for each thirty (30) lineal feet of property along Lake Worth Road. Hedge material shall be installed eighteen (18) inches on center at

planting and maintained at a height of thirty-six (36) inches in an opaque healthy condition.

9. 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.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
13. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
14. 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.
15. 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.
16. Prior to September 1, 1989 or prior to Site Plan approval whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Lake Worth Road, 62 feet from centerline; and,
 - b. Additional right-of-way as required for the Lake Worth Road Turnpike Interchange by the Florida Department of Transportation.

All free of encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that 'the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

17. No direct access to the site shall be permitted until Lake Worth Road has been four laned across the project's frontage.
18. The Developer 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 \$34,586.00 (1,291 trips X \$26.79 per trip).
19. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits shall be issued until construction has begun for Lake Worth Road as a 4 lane section from east of the Florida Turnpike to State Road 7; and,
 - b. No Building Permits for the subject site shall be issued after December 31, 1991.
20. The Property owner shall fund the construction of a right turn lane, east approach and a modified left turn lane, west approach on Lake Worth Road at the project's entrance road concurrent with the reconstruction of Lake Worth Road by Palm Beach County. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. NOTE: Should any turn lanes not be permitted by Florida Department of Transportation or Palm Beach County, this petitioner shall be relieved of this obligation. The petitioner shall reimburse Palm Beach County for all costs associated with the construction of this right turn lane including but not limited to plan modifications and all construction costs.

21. The property owner shall convey to the Lake Worth Drainage District an additional 10 feet in width along the east side of the subject property for the required right-of-way for Equalizing Canal No. 2-W, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days; of the approval of the Resolution approving this project.
22. The auto service station and car wash shall be unified by architectural style and design with Petition No. 89-54, Special Exception for a hotel and restaurant.
23. 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 2nd day of January, 1990 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

