

RESOLUTION NO. R-94- 1313

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 84-118D.3
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-89-1319
WHICH APPROVED THE SPECIAL EXCEPTION OF
JOSEPH PALERMO AND H. LOY ANDERSON
PETITION NO. 84-118(D)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report SR 84-118D.3 Was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 29, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 84-118D.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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: and
2. With the amendment of conditions of approval, the project will come closer to complying with the Comprehensive Plan and Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of status Report No. SR 84-118D.3, to amend Conditions of Approval of Resolution No. R-89-1319, the Special Exception of Joseph Palermo and H. Loy Anderson, Petition No. 84-**118 (D)**, confirmed by the adoption of Resolution R-89-1319, which amended the Site Plan for **Coco** Plum Plaza Planned Commercial Development to include 1) an Auto Service Station (no major repairs) and 2) a Car Wash on a parcel of land lying in the Northeast **1/4** of the Northwest **1/4** of Section 13, Township 45 South, Range 42 East, lying between the Easterly Right-of-Way of Military Trail (SR 809) said Easterly Right-of-Way being 53.00 feet Easterly from the centerline as said Right-of-Way is defined in Deed Book 803, Page 246 and Official Record Book 192, Page 206 and the Westerly Right-of-Way line of Old Military Trail (SR 200) as **recorded** in Deed Book 533, Page 153, as laid out and in use. Less

and except therefrom the South 108.00 feet of the North 148.00 feet as Right-of-Way for Miner Road and the North 40.00 feet as **Right-**of-Way for Lake Worth Drainage District Lateral Canal **20.**, being located on the approximately one mile south of Hypoluxo Road on the east side of Military Trail (S.R. 809) in the CG-General Commercial Zoning District, is approved, as amended, subject to the following conditions:

1. All previous conditions of approval continue to apply **unless** expressly modified herein.
2. Prior to September 1, 1995, or prior to the issuance of a building permit, whichever shall first occur, a site plan shall be certified which complies with the requirements of the Multiple Use Planned Development District, however, three groups of free standing buildings as referenced in Subsection **6.8.E.4.a.(4)(b)** of the Palm Beach County Unified Land Development Code will be permitted.
3. No service station shall be permitted.
4. Condition number 2. of Resolution R-89-1319 which currently states:

Prior to certification, the site plan shall be amended to indicate the handicapped parking space located adjacent to the south site of the convenience store.

Is hereby deleted.

5. Condition number 6. of Resolution R-89-1319 which currently states:

There shall be no storage of inoperative vehicles on site.

Is hereby deleted.

6. Condition number 11. of Resolution R-89-1319 which currently states:

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.

Is hereby deleted.

7. LANDSCAPING WITHIN MEDIAN

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "**Low Cost Planting Concept**" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the **County** standards may be allowed subject to approval 'by the County Engineer. (BUILDING - Engineering)

- B. All required median landscaping, including an irrigation system if required shall be **installec** at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its **successcrs**, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (**BUILDING-Engineering**)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (**BUILDING-County Attorney**)

Commissioner Marcus moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Absent
BURT AARONSON	--	Aye
KEN FOSTER	--	Aye
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 29th day of September, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

Barker Allen

DOROTHY H. WILKEN,

BY:

Janis M. Blood
DEPUTY CLERK

