

RESOLUTION NO. R-87-238

RESOLUTION APPROVING ZONING PETITION 86-112, Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 86-112 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 1986 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 10th day of February, 1987, that: Petition No. 86-112, the petition of ALLEN E. BCIER, By Paul Parker, Agent, for a SPECIFIL EXCEPTION TO ALLOW A PLANNED COMMERCICIL DEVELOPMENT on a parcel of land lying in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East, being more particularly described as followsr Commencing at the

Southwest corner of the said Southwest 1/4; thence, North 01 degree 23'24" East, along the West line of said Southwest 1/4, a distance of 270.00 feet; thence, South 89 degrees 08'36" East, along a line parallel with the South line of said Southwest 1/4, a distance of 60.00 feet to the East Right-of-Way line of Military Trail and the Point-of-Beginning; thence, continue South 89 degrees 08'36" East, along said parallel line, a distance of 397.05 feet; thence, North 00 degrees 51'24" East, a distance of 249.21 feet; thence, North 89 degrees 01'48" West, along the South line of the North 141.23 feet of said Southwest 1/4, a distance of 394.72 feet to the said East Right-of-way line of Military Trail; thence South 01 degree 23'24" West, along said East Right-of-way line, a distance of 250.00 feet to the Point-of-Beginning. Said property located on the east side of Military Trail (S.R. 809), approximately .3 mile north of Okeechobee Boulevard (S.R. 704) in an CG-General Commercial District was approved as advertised subject to the following conditions.

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a. required number of trees to be preserved or planted
  - b. minimum ten (10) foot wide parking stalls
  - c. required number of paved parking stalls
  - d. required number of handicap parking spaces
  - e. location of proposed access to adjacent sites.
  - f. correlate "site data" with site plan and make any necessary adjustments to parking requirements.
2. Prior to site plan certification, cross-access agreements shall be recorded. The cross-access agreements shall be subject to approval by the County Attorney.
3. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
4. The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development

Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.

- 5. The developer shall only be permitted one access on Military Trail between this property and the property owner to the north and shall be aligned with the existing median as modified.
- 6. The property owner shall construct a left turn lane, north approach on Military Trail at the project's entrance! road concurrent with onsite paving and drainage improvements.
- 7. 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 \$6,590.00 (246 trips X \$26.79 per trip).

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Karen T. Marcus	--	AYE
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987, confirming action of September 25, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Bartana O. Kelly*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney