

RESOLUTION NO. R- 87-1101-A

RESOLUTION IMPROVING ZONING PETITION 87-24, 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

WHEREAS, Petition No. 87-24 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 27, 1987 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 modifications, this proposal will be 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. 87-24, the petition of MILLIE TRUST, LTD, AND ROLF AND MARY MYRHIMMER AND TOMAS AND MARIA A. LOPEZ, by Paul Parker, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING ENCLOSED STORAGE FACILITIES, AN AUTOMOBILE SERVICE STATION AND GASOLINE PUMP ISLAND FACILITIES, AND AN OFFICE/WAREHOUSE COMBINATION on a parcel of land being a part of Lots 3 & 4, Tract 39, of the Hiatus in Township 44 1/2 South, Range

42 East, described as follows: Beginning at the intersection of the South Right-of-way line of Lantana Road and the East line of Lot 4, aforesaid Tract 39, said point of Beginning being South 26 degrees 29' 02" East (assumed bearing) 45.34 feet from the Northeast Corner of said Lot 4; thence South 26 degrees; 29' 02" East along said East line of Lot 4 a distance of 724.80 Feet; thence North 63 degrees 42; 28" E 197.34 feet; Thence North 26 degrees 29' 02" West Parallel with the East line of said Lot 4 a distance of 168.51 Feet; Thence North 63 degrees 30' 58" East 197.35 feet; Thence S 26 degrees 29' 02" E parallel with the East line of said Lot 4 a distance of 702.25 feet to the South line of said Tract 39; said South line also being the North Right-of-way line of the LWDD. Canal L-16; Thence South 89 degrees 15' 59" West along said North Right-of-way line a distance of 849.60 feet; Thence N 26 degrees 29' 02" West parallel with the East line of said Lot 4 a distance of 1087.83 feet to the South Right-of-way line of Lantana Road; Thence S 88 degrees 23' 52" East along said South Right-of-way line a distance of 420.00 feet to the Point of Beginning. The property is located on the south side of Lantana West Road approximately .2 miles west of Jog Road (65th Avenue South) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to include the following:
  - a. The required six (6) foot wall along the western property line.
2. Prior to site plan certification, petitioner shall record a Unity of Title agreement covering the entire site, provided said Unity of Title may permit the selling of the northeast parcel so long as each separate parcel shall meet minimum property development regulations.
3. Outdoor lighting used to illuminate the premises shall be low in intensity and directed away from adjacent properties and streets, shining only on the subject site.
4. No retail sales shall be permitted in the office-warehouse combination.
5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P. M. and 8:00 A. M.

6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pre-treatment 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. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
8. There shall be no -repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
9. Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on the property.
10. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
11. The property owner shall convey for the ultimate right-of-way of Lantana Road, 54 feet from centerline within 90 days of the approval of the Resolution approving this project.
12. The property owner shall construct a left turn lane, east approach at the project's east entrance and a right turn lane, west approach at the project's west entrance on Lantana Road at the project's entrance road concurrent with onsite paving and drainage improvements.
13. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lantana Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
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 presently is \$62,385.00 (2,366 trips X \$26.79 per trip).

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$31,693.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$95,078.00 to be paid prior to

the issuance of the first building permit or prior to June 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of 831,693.00 shall be credited toward the increased Fair Share Fee.

- 15. The petitioner shall convey to the Lake Worth Drainage District the south 25 feet of the subject property for the required right-of-way for Lateral Canal No. 16, 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.
- 16. In order to comply with the Mandatory Traffic Performance Standards, the property owner shall not apply for a building permit for the proposed bank until Jog Road has been constructed as a four lane median divided section from Melaleuca Lane to Lantana Road.
- 17. The existing well drilling use shall be discontinued upon expiration of the existing lease for the well drilling company.

Commissioner Rdams, moved for approval of the petition.

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

Carol Roberts	--	Rye
Karen T. Marcus	--	Rye
Dorothy Wilken	--	Absent
Kenneth M. Rdams	--	Rye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of February 27, 1987.

PALM BERCH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: Kathryn S. Miller  
Deputy Clerk

RPPROVED RS TO FORM  
RND LEGRL SUFFICIENCY

  
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County Attorney