

RESOLUTION NO. R-89- 329

RESOLUTION APPROVING ZONING PETITION NO. 87-14(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF NICHOLS INVESTMENT CORPORATION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-14(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 1988; and

WHEREAS, 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

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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-14(A), the petition of NICHOLS INVESTMENT CORPORATION, by Russell Scott, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS TO ZONING PETITION NO. 87-14, on a parcel of land lying on the North 240.00 feet of the West 256.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 in Section 13, Township 46 South, Range 42 East, LESS the North 40.00 feet thereof which was conveyed for public road right-of-way purposes as appears in Deed Book 808, Page 62, located on the southeast corner of the intersection of Military Trail (S.R. 809) and Atlaptic Avenue (S.R. 806), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Condition No. 9 of Zoning Petition No. 87-14 (Resolution No. R-87-1100 adopted July 28, 1987) which currently states:

"9. 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 \$6,965.00 (260 trips X \$26.79 per trip)."

Is hereby amended to read as follows:

"9. 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 \$10,582.00 (395 trips X \$26.79 per trip)."

3. Condition No. 11 of Zoning Petition No. 87-14 (Resolution No. R-87-1100 adopted July 28, 1987) which currently states:

"11. Petitioner shall amend its Site Plan to indicate a Phase I and Phase II. Phase II shall consist of the proposed car wash facility. Petitioner shall receive no Building Permit for the car wash facility until contracts have been let for the construction of the proposed Military Trail/West Atlantic Avenue Intersection Improvements. Phase I of the project shall consist of all other areas of the site.

Is hereby deleted.

4. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
5. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

6. The right-of-way dedications of Military Trail and West Atlantic Avenue shall include appropriate safe corners.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Pulvert
COUNTY ATTORNEY

BY:

June J. Hardy
COUNTY CLERK