

RESOLUTION NO. R-89- 333

RESOLUTION APPROVING ZONING PETITION NO. 80-103(C)
SPECIAL EXCEPTION PETITION OF SUNRISE SAVINGS AND LOAN

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. 80-103(C), 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 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. 80-103(C), the petition of SUNRISE SAVINGS AND LOAN, Russell Scott, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING 1) AN AUTOMOBILE REPAIR FACILITY WITH GASOLINE PUMP ISLANDS, 2) A CAR WASH, AND 3) A REDESIGN OF THE SITE PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-103(B) ON JULY 24, 1987, TO INCLUDE 1) AN AUTOMOBILE SERVICE STATION (BRAKE/MUFFLER REPAIRS, OIL/LUBE CHANGE, AUTO STEREO INSTALLATION, WINDOW TINTING, AUTO DETAILING, TRANSMISSION/TUNE-UP SHOP) on a parcel of land lying on Lot 6, Sandalfoot Plaza, in Sections 30 and 31, Township 47 South, Range 42 East, as recorded in Plat Book 48, pages 186 and 187, located on the northeast corner of the intersection of State Road 7 (U.S. 441) and Southwest Nineteenth Street (Marina Boulevard), in a CG-General Commercial Zoning District, was approved as

advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Clearly define five (5) car stacking distance which does not interfere with traffic utilizing the site.
 - b. Access dimensions to be labeled.
 - c. Identify and label area between parking adjacent to structure and eastern property line.
3. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
4. Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site.
5. Simultaneously with submittal to the Site Plan Review Committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center.
6. 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.
7. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
8. Because water service is available to the property, a well shall not be approved for potable water use.
9. 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 as required by the Permit Section, Land Development Division. 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.

10. 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.
11. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for S.W. 19th Street (S.W. 18th Street) 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.
12. 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 \$12,163.00 (454 trips X \$26.79 per trip).
13. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet in width, lying east of and parallel and/or concentric with the existing east top of bank for the required right-of-way for Equalizing Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by the District within ninety (90) days of the approval of the Resolution approving this project.
14. 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.
15. No off-premise signs shall be permitted on the site.
16. Trees planted in perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet upon planting.

17. Maximum height of free standing signs on the site shall be twenty-five (25) feet.

Commissioner Wilken 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 A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
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 L. [Signature]
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK