

RESOLUTION NO. R-89-442

RESOLUTION APPROVING ZONING PETITION NO. 83-150(B)  
SPECIAL EXCEPTION PETITION OF PALM BEACH HOLDING 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. 83-150(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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. 83-150(B), the petition of PALM BEACH HOLDING CORPORATION, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, TO: 1) INCLUDE AN OFFICE/WAREHOUSE COMBINATION; 2) AN AUTO SERVICE STATION WITH MECHANICAL REPAIR; AND 3) REDESIGN THE SITE on a parcel of land lying in Section 1, Township 45 South, Range 42 East, being more particularly described as follows: The South 140 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4, Less Road Right-of-way being located on the west side of Military Trail (S.R. 809), approximately .2 mile north of Hypoluxo Road, 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 of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate the required

six (6) foot high continuous CBS wall along the portion of the northern property line which abuts residential uses in the AR-Agricultural Residential Zoning District and extended an additional 25 feet eastward.

3. The petitioner shall amend the site plan to indicate the sizes of all office warehouse units. The offices shall be a minimum of 60% of the total floor area for each unit.
4. Prior to Site Plan Review Committee application, the petitioner shall submit a list of all proposed automotive uses which will occur on site.
5. No off premise signs shall be permitted on the site.
6. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
7. No outdoor loudspeaker system shall be permitted on site.
8. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from streets and adjacent properties. Lighting within the western 350 feet of the site shall be limited to fixtures that area a maximum of eighteen feet in height.
9. Property owner shall record a Unity of Title on the subject parcel prior to site plan certification. The Unity shall be subject to approval by the County Attorney and the County Engineer.
10. No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 7:00 A.M.
11. The petitioner shall landscape the site as indicated on Exhibit No. 30.
12. Prior to Site Plan Review Committee application, the petitioner shall key all vegetation photos to a site plan or survey of the subject parcel.
13. 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.
14. The developer shall design the drainage system such

that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

15. 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 \$42,596.00 (1,590 trips X \$26.79 per trip).
16. In addition the petitioner shall contribute the amount as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds shall be paid prior to the issuance of the first Building Permit.
17. In order to comply with the Traffic Performance Code, the property owner shall be restricted to the following phasing schedule:
  - a. Phase 1 shall consist of the proposed convenience store and 5,500 square feet of office/warehouse. No additional Building Permits shall be issued until Military Trail construction has commenced as a 4 lane section from Hypoluxo Road to Lantana Road plus the appropriate paved tapers.
18. 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.
19. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
20. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
21. 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.
22. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscape areas, rights-of-way, or interior drives.
23. No outdoor repair or maintenance of automobiles shall be permitted on site.
24. 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.

25. Prior to Site Plan Review Committee, the site plan shall be amended to indicate (10) ten to (12) twelve foot high canopy trees spaced (20) twenty feet on center.
26. The site plan shall be amended to relocate dumpsters to the east side of Phase II building.
27. No windows or doors shall be allowed along the north face of any structures which abut the northern property line.
28. The property owner shall perform (2) two water quality tests on the adjacent property to the north. The first one, prior to any construction and the second shall be performed at a maximum of (3) three months after the Certificate of Occupancy for the gas station is received. These results shall be submitted to the Palm Beach County Health Department.

Commissioner Marcus 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:

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

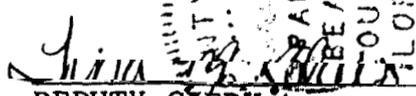
The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
DEPUTY CLERK

