

RESOLUTION NO. R- 89-956

RESOLUTION APPROVING ZONING PETITION NO. 88-29  
SPECIAL EXCEPTION PETITION OF DSK ASSOCIATES

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. 88-29 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 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. 88-29, the petition of DSK ASSOCIATES, by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT (PCD) TO: 1] INCLUDE A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA; AND 2] AN AUTO SERVICE STATION (INSTALLATION OF CAR TELEPHONES) (WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR A HOTEL PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 83-145), on;

Parcel I: Lot 1, according to the Plat of Smithview, as recorded in Plat Book 23, page 112, together with:

Parcel 11: A parcel of land in the Northeast 1/4 of the Northwest 1/4 of Section 29, Township 43 South, Range 43 East, being more particularly described as follows:

Commencing at the intersection of the East line of the Plat of Madrid Park, as recorded in Plat Book 13, Page 78, with the North line of said Section 29; thence South 88 degrees 45' 36" East along the North line of said Section 29 (the North line of said Section 29 is assumed to bear South 88 degrees 45' 36" East and

all other bearings are relative thereto) a distance of 293.87 feet to the point of intersection with the Northerly extension to the East line of Frank Street as shown on the Plat of Smithview, as recorded in Plat Book 23, Page 122, thence South 03 degrees 37' 04" West along said extension, a distance of 15.00 feet to a point on the South Right-of-way line of Okeechobee Boulevard as shown in Road Plat Book 4, Page 221 and the Point of Beginning of the hereinafter described parcel of land; thence continue South 03 degrees 37' 04" West along the East line of Frank Street a distance of 192.78 feet; thence South 10 degrees 11' 09" West a distance of 77.00 feet; thence South 01 degree 55' 44" West a distance of 300.00 feet to the Southwest corner of Lot 6 of said Plat of Smithview; thence South 88 degrees 04' 16" East along the South line of said Lot 6, a distance of 60.00 feet to the Southeast corner thereof; thence South 01 degree 55' 44" West along the East line of Lot 5 of said Plat of Smithview, a distance of 100.00 feet to the Southeast corner thereof and to a point on the North line of a parcel of land described in Deed Book 931, Page 380; thence South 88 degrees 43' 36" East along the aforementioned North line a distance of 76.46 feet; thence North 01 degrees 44' 54" East along the West line of a parcel of land described in Deed Book 861, Page 542, a distance of 84.43 feet; thence South 88 degrees 45' 36" East parallel with the North line of said Section 29, a distance of 20.00 feet; thence North 01 degrees 44' 54" East parallel with the East line of said plat of Madrid Park a distance of 50.00 feet; thence South 88 degrees 45' 36" East parallel with the North line of said Section 29 a distance of 235.00 feet; thence North 01 degree 44' 54" East parallel with the East line of said plat of Madrid Park, a distance of 216.00 feet; thence South 88 degrees 45' 36" East parallel with the North line of said Section 29, a distance of 98.00 feet; thence North 01 degrees 44' 54" East parallel with the East line of said plat of Madrid Park, a distance of 124.00 feet; thence North 88 degrees 45' 36' West parallel with the North line of said Section 29, a distance of 98.00 feet; thence North 01 degree 44' 54" East parallel with the East line of said plat of Madrid Park, a distance of 195.00 feet to a point on the South Right-of-way line of Okeechobee Boulevard: thence North 88 degrees 45' 36" West along said Right-of-way line, a distance of 372.62 feet to the Point of Beginning.

Together With:

A parcel of land lying in Section 29, Township 43 South, Range 43 East, being more particularly described as follows:

Commencing at a point in the North line of said Section 29, this point being 666 feet East of the East line of Madrid Park, as recorded in Plat Book 13, Page 78; thence South parallel with the East line of Madrid Park, a distance of 15.00 feet to the Point of Beginning; thence continue South parallel with the East line of Madrid Park, a distance of 195.00 feet; thence East parallel with the North line of Section 29, a distance of 98.00 feet; thence North parallel with the East line of Madrid Park a distance of 195.00 feet; thence West parallel with the North line of Section 29, a distance of 98.00 feet to the Point of Beginning; being located on the south side of Okeechobee Boulevard (SR 704), approximately 250 feet east of Church street, in a CG-General

Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a) location and the number of bay doors which will serve the auto care facility
  - b) relocation of the loading zone along the western property line to an area that will not conflict with cars accessing the cellular phone facility.
  - c) required loading berth adjacent to the 5,040 square foot structure
2. The petitioner shall either relocate the proposed west to east access point which serves the 5,000 proposed building to the south, or be restricted from utilizing the following uses, convenience store, cafeteria, liquor store, lounge, video rental, drive-up financial institution, a fast food restaurant.
3. The auto care facility shall be limited to the sale and installation of cellular phones, alarms, or car stereos.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way or interior drives.
5. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
6. All auto service work shall be conducted indoors.
7. The petitioner shall clearly mark the parking spaces located across from the street to the west as employee and auto care service parking only. All cars being serviced shall be parked in this area, additional spaces in the rear of the center shall be labelled as employee parking only.
  - a. Prior to Site Plan certification, the property owner shall record a Unity of Control on the subject parcel.
9. No off-premise signs shall be permitted on the site.
10. 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.

11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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 violation of the Palm Beach County Zoning Code.

Commissioner Watt 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	--	Absent
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 27, 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