

RESOLUTION NO. R-89-1062

RESOLUTION APPROVING ZONING PETITION NO. 85-166(A)
SPECIAL EXCEPTION PETITION OF THIRD GENERATION, INC.

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. 85-166(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 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. 85-166(A) the petition of THIRD GENERATION, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT (PETITION NO. 85-166) TO PERMIT AN AUTO SERVICE STATION (WITH MAJOR REPAIRS), (QUICK OIL CHANGE FACILITY AND AUTO REPAIR) on a parcel of land beginning at the Southwest corner of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 44 South, Range 42 East; thence run Northerly 80 feet to the Northern Right-of-way line of Lake Worth Road, the Point of Beginning; thence Easterly along the Right-of-way of Lake Worth Road, a distance of 100 feet; thence Northerly, a distance of 400 feet; thence Westerly, a distance of 100 feet; thence Southerly a distance of 400.00 feet to the Point of Beginning, being located on the northeast corner of the intersection of Lake Worth Road (SR 802) and Scott 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. Prior to certification, the site plan shall be amended to indicate the following:
 - a. A by-pass lane for the stacking lanes: and,
 - b. Relocation of the loading space so that it does not conflict with the stacking lanes.
3. The building square footage shall be reduced and/or the sites vehicular use areas shall be redesigned to eliminate conflicts and accommodate the minimum number of parking spaces, the loading space, the stacking lanes and the by-pass lane.
4. There shall be no outside storage of disassembled vehicles or parts thereof.
5. Garage doors shall be oriented away from any properties zoned or used for residential purposes. There shall be no garage doors permitted along the east wall of the garage.
6. No outdoor loudspeaker system shall be permitted on-site.
7. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
8. Retail sales shall be limited to parts and/or materials required for vehicles serviced on site.
9. No off premise signs shall be permitted on-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. 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.

14. Condition No. 12 of Zoning Petition 85-166 presently states:

"12. 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 \$20,253.00 (756 trips X \$26.79 per trip)."

is hereby amended to read as follows:

"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 \$18,003.00 (672 trips X \$26.79 per trip)."

15. Condition No. 16 of Zoning Petition No. 85-166, Zoning Resolution No. R-86-485, which currently states:

"16. The buffer shall consist of a three (3) to four (4) foot berm, twenty-four (24) inch continuous hedge and/or wall or combination thereof supplemented by one (1) twelve (12) to fourteen (14) foot canopy tree planted twenty (20) feet on center in order to achieve a 75 percent visually opaque landscape buffer within two (2) years of development. If the wall option is utilized, the maximum tree spacing shall not exceed thirty (30) feet on center."

Is hereby deleted.

16. Failure to comply with any conditions of approval 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.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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	--	Absent

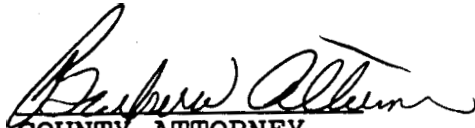
The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

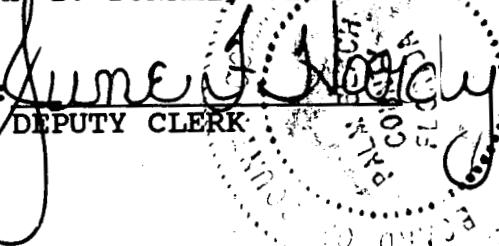
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

