

RESOLUTION NO. R-89- 1079

RESOLUTION APPROVING ZONING PETITION NO. 88-127
SPECIAL EXCEPTION PETITION OF K. TERRANCE MOCK, TRUSTEE AND
HENRY J. ULLMAN

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. 88-127 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 88-127 the petition of K. TERRANCE MOCK, TRUSTEE AND HENRY J. ULLMAN, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND A CAR WASH (SELF SERVICE OR AUTOMATIC) AND A MIX OF RETAIL AND SELF-SERVICE STORAGE USES on a parcel of land lying on a parcel of land in Tract 11 and 12 of Block 1, according to Plat of Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, page 58, located in Section 29, Township 43 South, Range 42 East more particularly described as follows:

Beginning at a point in the West line of said Tract 11; 70.00 feet South of the Northwest corner of said Tract 11; thence South 87 degrees 46' 06" East along a line that is 70.00 feet South of and parallel to the North line of said Tract 11 and 12, a distance of 729.98 feet to a point in said Tract 12; thence South 571.57 feet to a point: thence West 729.45 feet to a point; thence North along West line of Tract 11, a distance of 600.00

feet at the Point of Beginning, less the West 2.15 feet thereof, being located on the southeast corner of the intersection of Okeechobee Boulevard (SR 704) and Sansbury Way (Rubin Road) in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee Submittal, the site plan shall be amended to indicate the following:
 - a. The required Landscape Perimeter Buffer Option 1 or Option 2 between the self-service storage facility and perimeter property lines;
 - b. The required handicap parking spaces for Parcel No. 1 and the self-service storage facility;
 - c. The incorporation, into the site development plan, of a minimum five (5) foot landscape strip and safety barriers subject to approval by the County Engineer.
 - d. The location of dumpsters to service the various uses proposed on site; and
 - e. Minimum three (3) acre delineation for the proposed self-service storage facility.
2. Off-premise signs shall not be allowed on site.
3. The restaurant/office building shall be limited to two (2) stories in height.
4. Lighting shall be low intensity, shielded and directed away from residential areas and rights-of-way.
5. No outdoor storage shall be permitted on site.
6. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets and be contained within enclosed loading and service areas.
7. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted within the Planned Commercial Development.
8. The Health Department shall have sole authority to determine sewage disposal.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The petitioner shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm

with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

11. The petitioner 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.
12. Within 90 days of approval of this project, the petitioner shall convey to Palm Beach County by road right-of-way warranty deed for Lyons Road, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
13. The petitioner shall construct:
 - a. Sansbury Way as a 3 lane section from Okeechobee Boulevard south to the project's south entrance, plus the appropriate paved tapers.
 - b. Continuous right turn lane on Sansbury Way at the project's entrances (in addition to a 3 lane section).

All concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first building permit.

14. The petitioner 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, based upon the number of approved trips, is \$201,246.00 (7,512 trips X \$26.79 per trip).
15. Prior to Site Plan certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
16. The restaurant shall be limited to the first floor of the two-story office/restaurant building.

17. There shall be no outdoor service of food or liquor permitted on site.
18. Access onto Okeechobee Boulevard shall be permitted when Okeechobee is being constructed as a minimum four (4) lane section adjacent to the site.
19. The landscape plan presented at the Board of County Commissioners' public hearing shall be filed with the Zoning Division simultaneously with Site Plan Review Committee application.
20. 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 Howard moved for approval of the petition. The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 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

