

RESOLUTION NO. R-89-1238

RESOLUTION APPROVING ZONING PETITION NO. 84-12(A)
SPECIAL EXCEPTION PETITION OF AUTO CLINIC, 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. 84-12(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989: 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. 84-12(A) the petition of AUTO CLINIC, INC., by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (WITH MAJOR REPAIRS), on a parcel of land lying n a parcel of land lying in Section 24, Township 42 South, Range 41 East, being more particularly described as follows:

Commence at the North Quarter Corner of said Section 24: thence South 88 degrees 33' 34" East, a distance of 60.77 feet to a point on the Easterly Right-of-way line of Military Trail, said point lying on a curve concave to the East, having a radius of 57,235.80 feet: thence Southerly along the arc of said curve through a central angle of 00 degrees 04' 48", a distance of 80.00 feet to the intersection with the Southerly Right-of-way line of 12th Street, said point also being the POINT OF BEGINNING of the herein described parcel of land; thence South 88 degrees 33'34" East along the Southerly Right-of-way line of said 12th Street, a distance of 293.98 feet: thence South 01 degrees 26'26" W, a distance of 250.00 feet to a point on the Right-of-Way line of Chester Lakes Drive: thence North 88 degrees 33' 34"

West along said Right-of-way line, a distance of **294.17** feet to a point on the Easterly Right-of-way line of Military Trail: thence North **01** degrees **23' 24"** East, a distance of **32.82** feet to the Point of Curvature of a curve concave to the East having a radius of **57,235.80** feet; thence Northerly along the arc of said curve and Easterly Right-of-way line through a central angle of **00** degrees **13' 03"**, a distance of **217.18** feet to the Point Of Beginning of the herein described parcel of land, being located on the southeast corner of the intersection of Military Trail (**SR 809**) and **12th** Street and bounded on the south by Chester Lake Drive, 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 reflect the following:
 - a. Required number of loading berths. The loading area shall not interfere with normal vehicular circulation on site; and,
 - b. Required landscape terminal islands with appropriate landscaping.
2. The landscaping along the eastern property line shall be upgraded by planting canopy trees a minimum of sixteen (**16**) feet in height, spaced a maximum of twenty (**20**) feet on center.
3. Landscaping along Military Trail shall be upgraded to include:
 - a. A continuous hedge planted a minimum of thirty-six (**36**) inches high, twenty-four (**24**) inches on-center and equivalent of one twelve (**12**) foot native canopy tree for each thirty (**30**) lineal feet; and,
 - b. Hedge plantings satisfying the standards in Condition 5.a above, in the west terminal island located in the interior service parking area.
4. There shall be no outside storage of disassembled vehicles or parts thereof.
5. **No** off-premise sign shall be permitted on site.
6. **No** retail sales shall be permitted except for those associated with the automotive facility.
7. Lighting shall be low intensity, shielded and directed away from adjacent residential areas and right-of-way.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
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. 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 \$22,557.00 (842 trips X \$26.79 per trip).
13. Access to the property shall be limited to 12th Street and Military Trail. Should access onto Chester Lakes Drive, then the Petitioner shall secure approval from the Chester Lakes Homeowners' Association for access onto Chester Lakes Drive prior to site plan certification or delete the proposed access onto this road.
14. 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 Roberts moved for approval of the petition. The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

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