

RESOLUTION NO. R-89- 1319

RESOLUTION APPROVING ZONING PETITION NO. 84-118(D)
SPECIAL EXCEPTION PETITION OF JOSEPH PALERMO AND H. LOY ANDERSON

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 have been satisfied; and

WHEREAS, Petition No. 84-118 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 31, 1981; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-118(D) the petition of JOSEPH PALERMO AND H. LOY ANDERSON, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR COCO PLUM PLAZA PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE (1) AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND; (2) A CAR WASH, on a parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East, lying between the Easterly Right-of-way of Military Trail (SR 809) said Easterly Right-of-way line being 53.00 feet Easterly from the centerline as said Right-of-way is defined in Deed Book 803, Page 246 and Official Record Book 192, Page 206 and the Westerly Right-of-way line of Old Military Trail (SR 200) as recorded in Deed Book 533, Page 153, as laid out and in use. Less and except therefrom the South 108.00 feet of the North 148.00 feet as Right-of-way for Miner Road and the North 40.00 feet as Right-of-way for Lake Worth Drainage District Lateral

Canal **20**, being located approximately one mile south of Hypoluxo Road on the east side of Military Trail (SR **809**), in a CG-General Commercial Zoning District, was approved on March **31, 1989**, as advertised, subject to the following conditions:

1. The petitioner 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 handicapped parking space located adjacent to the south site of the convenience store.
3. No outdoor loudspeaker system shall be permitted on site.
4. Off premise signs shall not be permitted on site.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles shall be permitted in landscape areas, rights-of-way or interior drives.
6. There shall be no storage of inoperative vehicles on site.
7. Prior to Site Plan certification, the property owner shall record a Unity of Control on the entire site subject to approval by the County Attorney.
8. 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.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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.
12. Condition **No. 4** of Zoning Petition **No. 84-118(B)**, Resolution **No. R-87-503**, which presently states:

"19. 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

presently is \$243,789.00 (9,106 trips X \$426.79 per trip)."

Is hereby amended to read as follows:

"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 \$282,152.00 (10,532 trips X \$26.79 per trip)."

13. The property owner shall convey to the Lake Worth Drainage District the north 40 feet of that part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 45 South, Range 42 East lying east of the east right-of-way line of Military Trail and the west right-of-way line of Old Military Trail for the required right-of-way for Lateral Canal No. 20, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
14. Lighting shall be low intensity, shielded and directed away from adjacent residentially zoned property and rights-of-way.
15. Prior to site plan certification, the petitioner shall submit a master signage program for the entire center. The master signage program shall be subject to approval by the Zoning Division.
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 adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *Richard A. Ottem*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *June J. Hardy*
DEPUTY CLERK