

RESOLUTION NO. R-90-51

RESOLUTION APPROVING ZONING PETITION NO. 80-211(B)  
SPECIAL EXCEPTION PETITION OF MILITARY TRAIL BAKERY CENTER

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. 80-211(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 1989; 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. 80-211(B) the petition of MILITARY TRAIL BAKERY CENTER, by Kenneth U. Flood, Agent, for a SPECIAL EXCEPTION TO PERMIT A WHOLESALE BAKERY, WHICH EXTINGUISHES A SPECIAL EXCEPTION FOR COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME AND RECREATIONAL VEHICLE REPAIR FACILITIES AND LOTS (NEW AND USED MOBILE HOMES) (PETITION 80-211(A)) on a parcel of land beginning at an iron pipe in the center of Military Trail, S.R. #809, 1344.03 feet North of the South 1/4 of Section Corner of Section 25, Township 44 South, Range 42 East, Run Easterly along the center line of Melaleuca Lane for a distance of 40.00 feet to a point on the Easterly Right-Of-Way line of Military Trail, S.R. #809, Thence run Southerly along the Easterly Right-of-way line of Military Trail for a distance of 652.58 feet to a point marking the Northwest Corner and the Point of Beginning of the parcel described herein, thence continue Southerly along the said Easterly Right-of-way line of Military Trail for a distance of 192.00 feet to a point marking the Southwest corner of this parcel: thence run Easterly along a line parallel to the center line of Melaleuca Lane for a distance of 292.923 feet to a point in the East Boundary line of the West 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25 which point marks the Southeast corner of this parcel; thence run Northerly along

the said East boundary line of the West **1/4** of the Southwest **1/4** of the Southeast **1/4** of Section **25** for a distance of **192.00** feet to a point marking the Northeast corner of the parcel; thence run Westerly along a line parallel to the center line of Melaleuca Lane for a distance of **292.93** feet to the point of Beginning at the Northwest corner of this parcel. Less and except the following parcel: Beginning at an iron pipe in the center of Military Trail, S.R. **#809**, **1344.03** feet North of the South **1/4** of Section Corner **of** said Section **25**, run Easterly along the center line of Melaleuca Lane for a distance of **40.00** feet to a point on the Easterly Right-of-way Line of Military Trail, S.R. **#809**; thence run Southerly along the Easterly Right-of-way line of Military Trail for a distance of **652.58** feet to a point marking the Northwest Corner and the Point of Beginning of the parcel described herein, thence continue Southerly along the Easterly Right-of-way line of Military Trail for a distance of **192.00** feet to a point marking the Southwest corner of this parcel: thence run Easterly along a line parallel to the center line of Melaleuca Lane for a distance of **13.00** feet to a point; thence run Northerly parallel with said Easterly Right-of-way line, a distance of **192.00** feet to a point marking the Northeast corner of the parcel; thence run Westerly along a line parallel to the center line of Melaleuca Lane for a distance of **13.00** feet to the Point of Beginning at the Northwest corner of this parcel, being located on the east side of Military Trail, (SR **809**) approximately **.2** mile south of Melaleuca Lane, in a CG-General Commercial Zoning District, was approved on July **27**, **1989**, as advertised, subject to the following conditions:

1. Resolution **87-1204** of Petition **80-211(A)** is hereby repealed in its entirety.
2. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to:
  - a. Satisfy all minimum property development regulations and land development requirements;
  - b. Indicate minimum twelve **(12)** foot high native canopy trees, spaced twenty **(20)** feet on center, and a six foot wall along property lines abutting residential zoning; and,
  - c. Indicate the preservation or relocation of the existing slash pines and sabal palm on the site. The trees shall be incorporated into the site design to allow for their preservation.
3. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve **(12)** feet in height.
4. No loudspeaker or public address system shall be permitted on site.
5. 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.

6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
8. The Developer 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.
9. Prior to Site Plan certification or prior to September 1, 1989 the Property owner shall fund the construction of a left turn lane north approach on Military Trail at the project's entrance road. This petitioner shall be responsible for any change orders associated with this construction by Palm Beach County. Prior to certification, the site plan shall be revised accordingly.
10. 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.
11. In addition the Developer shall contribute the amount of \$362.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$362.00 shall be paid prior to the issuance of the first Building Permit.
12. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$362.00 shall be credited toward the increased Fair Share Fee.
13. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

a. The day old bread portion of the facility shall not commence operation until Military Trail road construction has begun as a six (6) lane facility.

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 Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990 .

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barker Atten  
COUNTY ATTORNEY

BY: Jina M. Blair  
DEPUTY CLERK

