

RESOLUTION NO. R-90-808

RESOLUTION APPROVING ZONING PETITION NO. 75-121(A)
SPECIAL EXCEPTION PETITION OF BRIDGESTON/FIRESTONE, 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 have been satisfied; and

WHEREAS, Petition No. 75-121(A) 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, 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. 75-121(A), the petition of BRIDGESTON/FIRESTONE, INC., BY ALAN J. CIKLIN, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN TO 1) DECREASE THE LAND AREA, AND 2) EXTINGUISH THE SPECIAL EXCEPTION FOR A FINANCIAL INSTITUTION on a parcel of land lying in the East 313.0 feet of the following described parcel: The South 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 13, Township 44 South, Range 42 East, being located on the West side of Military Trail (SR 809), approximately .2 mile South of Purdy Lane, in a CS-Specialized Commercial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. The Special Exception to allow a financial institution by Resolution 75-702 is hereby repealed.
2. Prior to building permit submittal, the landscape plans shall indicate an upgraded landscape buffer along the western property line including a six (6) foot high fence or wall and native canopy trees a minimum of twelve (12) feet high, spaced twenty (20) feet on center.

3. The petitioner shall submit a tree survey to locate and verify the preservation of existing slash pines within all perimeter landscape strips, interior landscape islands and medians.
4. The petitioner shall submit an Alternative landscape Betterment plan at the time of Site Plan Review Committee submittal to allow some flexibility in the elimination of parking stalls and subsequent relocation of interior landscape islands which will allow for the preservation of more slash pines.
5. 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.
6. Prior to the issuance of a Building Permit the property owner shall convey an access easement to the property owner to the south subject to approval by the County Engineer. **No** direct access onto Military Trail shall be permitted from this site. Access shall be from the adjacent property to the south (Zoning Petition 89-125).
7. 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.
8. 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
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, ~~1989~~ 1990.

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