

24/45/

RESOLUTION NO. R-90- 811

RESOLUTION APPROVING ZONING PETITION NO. 81-152(A)
SPECIAL EXCEPTION PETITION OF
SUNSET CENTRES LIMITED PARTNERSHIP

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. 81-152(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. 81-152(A), the petition of SUNSET CENTRES LIMITED PARTNERSHIP, BY ALAN J. CIKLIN, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PLANNED COMMERCIAL DEVELOPMENT, TO PERMIT AN AUTO SERVICE STATION (TIRE STORE) on a parcel, of land lying in Parcel B. Less the North 184.00 Feet (measured at right angles from the northerly line) of Parcel B, Boynton Trail Centre, According to the Plat thereof, as recorded in Plat Book 47, Page 191, Section 24, Township 45 South, Range 42 East, being located on the Southeast corner of the intersection of Military Trail (SR 809) and Boynton Beach Boulevard, in a CC-General Commercial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

- 1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The ingress and egress points to the site will be amended to meet the minimum twenty-five' (25) foot requirement;
 - b. Signs will be removed from landscape areas;

- c. Relocation of the dumpster and the loading area in a more appropriate location, where they will not block the entry/exit drives for the site;
 - d. The landscape strip along the north and west property lines shall be supplemented with native canopy trees twelve (12) feet in height, spaced twenty (20) feet on center, supplemented with hedge material thirty-six (36) inches high, spaced twenty-four (24) inches on center; where existing materials do not meet the intent of this condition.
2. Parking shall be limited to designated parking stalls. No parking within landscape strips, rights-of-way, or accessways shall be permitted;
 3. There shall be no outdoor storage of materials or equipment, nor storage of disassembled or inoperative vehicles on site; and
 4. All advertisement displayed on site shall be in conformance with the Palm Beach County Sign Code. No banners, flags, snipe signs, balloons, etc., 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 (PDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
 6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 8. 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.
 9. 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.
 10. ~~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.

11. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
12. 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 \$15,235.00 (277 trips X \$55.00 per trip).
13. 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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK