

RESOLUTION NO. R-90-839

RESOLUTION APPROVING ZONING PETITION NO. 86-8(C)
SPECIAL EXCEPTION PETITION OF RADNOR/HIGIER PARTNERSHIP #3
KIERAN J. KILDAY, AGENT

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. 86-8(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 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. 86-8(C), the petition of RADNOR/HIGIER PARTNERSHIP #3, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PLANNED COMMERCIAL DEVELOPMENT TO (1) INCREASE THE LAND AREA, (2) PERMIT AN AUTO SERVICE STATION (TIRE CENTER), AND (3) A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS on a parcel of land lying in Tract 39 of the Hiatus Township 44 1/2 South, Range 42 East; Commencing at the 1/4 section corner in the South line of Section 34, Township 44 South, Range 42 East; Thence South 88 Degrees 32'23" East along the centerline of Lantana Road and South line of said Section 34, a distance of 1,349.87 feet; Thence South 29 Degrees 44'06" East, a distance of 46.76 feet to the POINT OF BEGINNING and intersection with the South right-of-way line of said Lantana Road, said South right-of-way lying 40.00 feet South of and parallel with said South line of said Section 34; Thence South 88 Degrees 32'23" East along said South right-of-way line, a distance of 285.00 feet to the Northwest corner of Strawberry Lakes Plat Two, Plat Book 60, Page 145; Thence South 28 Degrees 30'38" East along the Westerly limits of said Strawberry Lakes Plat Two, a distance of 913.33 feet to the intersection with the North right-of-way line of Lake Worth Drainage District Lateral Canal No. 16, said North right-of-way line lying 35.00 feet North of and parallel with the North line of Section 3, Township 45 South, Range 42 East; Thence South 89 Degrees 11'43" West along said North right-of-way line, a distance of 1,555.61 feet; Thence

North 28 Degrees 30'38" West, a distance of 14.22 feet to the non-radial intersection with a curve concave to the Southwest with a radius of 1,697.02 feet and a tangent bearing of South 16 Degrees 02'46" East at said intersection; Thence Northerly and Westerly along the arc of said curve and Easterly right-of-way of Jog Road, through a central angle of 12 Degrees 27'53", a distance of 369.19 feet to the point of tangency; Thence North 28 Degrees 30'38" West along said Easterly right-of-way, a distance of 227.50 feet to the point of curvature of a curve concave to the Northeast with a radius of 1,577.02 feet; Thence Northerly along the arc of said curve and Easterly right-of-way of Jog Road, through a central angle of 10 Degrees 21'47", a distance of 285.23 feet; Thence North 36 Degrees 39'26" East, a distance of 40.87 feet to the South right-of-way line of Lantana Road; Thence South 88 Degrees 32'23" East along said South right-of-way line, a distance of 1,186.57 feet; Thence North 29 Degrees 44'06" West, a distance of 16.37 feet to the POINT OF BEGINNING; Bearings shown hereon are referenced to an assumed bearing of South 88 Degrees 32'23" East along the South line of said Section 34, being located on the Southeast corner of Lantana Road (SR812), and Jog Road. It is bounded on the South by Lake Worth Drainage District Lateral Canal' No. 16, a CG-General Commercial Zoning District, was approved on December 28, 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 following:
 - a. Minimum of two (2) loading berths, (12 feet to 30 feet each) as required for building M (Retail).
 - b. Required five car stacking distance for the proposed 4,000 square feet financial institution.
 - c. Handicap parking stalls for each use.
 - d. A minimum 25 foot wide landscape strip shall be maintained along the eastern property line.
 - e. Landscape alternative number 1 shall be provided along the east property line, with 12 foot canopy trees planted 20 feet on center on the outside of the wall. This shall be supplemented with a hedge thirty six inches (36") on center. Additionally, 10 foot tall canopy trees shall be placed 30 feet on center on the inside of the wall.
 - f. Self storage facility, on the south, west and north sides shall provide for the supplemental landscape requirements as stated by subsection D.5 A and B of Section 500.38 of the Zoning Code.
 - g. The number of storage bays for the self storage facility shall be indicated on the plan.
 - h. Parking requirements for the self-storage facility shall meet the minimum requirements of Subsection D.4 of Section 500.38 of the Zoning Code.
3. In order to avoid an incompatible appearance upon east and south lying residential areas, the rear facades of the planned commercial development shall be given architectural treatment consistent with the front of the center.

4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
5. **No** stock loading or dumpsters pickup will be permitted between the hours of **8:00 PM** and **8:00 AM**.
6. **No** outdoor loudspeaker system shall be permitted on site.
7. At the time of Site Plan Review Committee application, the petitioner shall submit two copies of a unity of control. This document shall be approved by the County Attorney prior to site plan approval.
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. **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.
13. 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.
14. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lantana Road, 54 feet from centerline, plus right-of-way for Jog Road as indicated on Palm Beach County's Project #87-518, Parcel 135, free of all encumbrances and encroachments as shown. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to

ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

15. 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 the additional square footage presently is **\$47,375.00** (865 additional trips X \$55.00 per trip).

16. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

Building Permits for more than Phase One which shall consist of **133,487** square feet of retail, a **6,000** square foot tire store and **28,000** square feet of mini warehouse, or a combination of uses which will not exceed **10,381** vehicle trips per day, shall not be issued until construction has been begun for:

- a. Jog Road from Melaleuca Lane to Hypoluxo Road as a **4** lane median divided section plus the appropriate paved tapers.
- b. Lantana Road from Hagen Ranch Road to Military Trail as a **4** lane median divided section plus the appropriate paved tapers.

17. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended prior to building permits Phase **2** as defined above.

18. **Security lighting along the western property line shall be low intensity, no greater than twelve (12) feet in height and directed away from surrounding residential properties.**

19. 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, 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