

RESOLUTION NO. R-90-1281

RESOLUTION APPROVING ZONING PETITION NO. 84-12(B)  
SPECIAL EXCEPTION PETITION OF PROMOCO, 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. 84-12(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 25, 1990; 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. 84-12(B), the petition of PROMOCO, INC., for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING AUTO REPAIR FACILITY TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) AND A CAR WASH on a parcel of land lying in a portion of the North 330.00 feet of the Northeast 1/4 of Section 24, Township 43 South, Range 42 East; commencing at the Northwest corner of said Northeast 1/4 of said Section 24, Township 43, Range 42; Thence, South 00 Degrees 03'18" West along the West line of the said Northeast 1/4, for 40.00 feet to the centerline of 12th Street, Official Record Book 4383-364; Thence, South 89 Degrees 54'17" East along said centerline for 60.44 feet; Thence, South 00 Degrees 05'43" West for 40.00 feet to a point on the Southerly right-of-way line of 12th Street, said point also the POINT OF BEGINNING of parcel of land hereinafter described; Thence, South 89 Degrees 54'17" East along said right-of-way line for 294.00 feet; Thence, South 00 Degrees 05'43" West for 250.00 feet to a point that is 330.00 feet South of the North line of said Northeast 1/4, said point also the Northerly right-of-way line of Chester Lake Drive, Plat Book 42, Page 188; Thence North 89 Degrees 54'17" West along said right-of-way line, said course also lies 330.00 feet South of and

parallel with the North line of said Northeast 1/4, for 294.23 feet to the Easterly right-of-way line of Military Trail, said point lies 10.00 feet East of the Easterly right-of-way line, Road Plat **Book 3**, at Page 77; Thence North 00 Degrees 03'18" East along said right-of-way line for 32.82 feet, said Road Plat **Book 3-77**, said point also the point of circular curve concave to the Southeast, having for its elements a radius of 57, 235.80 feet and a central angle of 00 Degrees 13'03"; Thence, Northerly along the arc of said curve for an arc distance of 217.18 feet to the POINT OF BEGINNING, and being located on the southeast corner of the intersection of Military Trail and Community Drive, in a CG-General Commercial Zoning District, was approved on January 25, 1990 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 Site Plan Review approval, the site plan shall be amended to indicate:
  - A. Compliance with all applicable Zoning Code requirements and Land Development Regulations.
  - B. A six (6) foot high solid wooden fence enclosing all dumpsters on site.
3. No banners, flags, balloons, snipe signs, etc., shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.
4. Condition No. 3 of Petition 84-12(A), which presently reads:

**"Landscaping** along Military Trail shall be upgraded to include:

  - A. A continuous hedge planted a minimum of thirty-six (36) inches high, twenty-four (24) inches on center and equivalent of one (1) twelve (12) foot tree for each thirty (30) lineal feet; and,
  - B. Hedge plantings satisfying the standards in condition 5.A. above, in the west terminal island located in the interior service parking area,"

is hereby amended to read:

**"Landscaping** along Military Trail, Chester Lake Drive and Community Lake Drive shall be upgraded to provide a minimum thirty (30) inch high hedge, spaced twenty-four (24) inches on center with minimum twelve (12) foot tall native canopy trees spaced twenty (20) feet on center.

5. Condition No. 6 of Petition 84-12(A) which presently reads:

**"No** retail sales shall be permitted except for those associated with the automotive **facility."**

is hereby deleted.

6. Use of the site shall be limited to 5,385 square feet of auto related service and/or repair, 733 square foot of gas/convenience store and 864 square feet of car wash.
7. Generation and disposal of hazardous effluents into sanitary sewage 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.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. 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.
11. **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 10-D-6 Florida Administrative Code (F.A.C.).
12. 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 on site 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.
13. 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.
14. Prior to July 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:
  - a. Military Trail, 76 feet from centerline
  - b. Community Lakes Drive, 54.5 feet from centerline

All free of encumbrances and encroachments. 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 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. The Fair Share Fee for this project presently is **\$53,900.00 (980 trips X \$55.00 per trip)**.
16. In addition the Developer shall contribute the amount of **\$370.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$54,270.00** shall be paid prior to the issuance of the first Building Permit.
17. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$370.00** shall be credited toward the increased Fair Share Fee.
18. The petitioner shall design the facility to provide water recycling.
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 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	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 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