

RESOLUTION NO. **R-90- 1290**

RESOLUTION APPROVING ZONING PETITION NO. **89-114**  
SPECIAL EXCEPTION PETITION **OF** CMV PARTNERS, 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. **89-114** 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. **89-114**, the petition of CMV PARTNERS, INC., for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land commencing at the Northeast corner of the Southwest **1/4** of Section **36**, Township **43** South, Range **42** East; Thence due West, along the North line of said Southwest **1/4**, **53.17** feet to the Westerly right-of-way line of Military Trail and the POINT **OF** BEGINNING; Thence continue due West, along said North line, **617.21** feet; Thence South **00** Degrees **05'52"** West, **388.78** feet; Thence South **89** Degrees **07'09"** East **616.74** feet to the Westerly right-of-way **of** Military Trail; Thence North **00** Degrees **10'22"** East, along said right-of-way, **100.49** feet; Thence South **45** Degrees **05'14"** West, **29.74** feet; Thence due West, **267.00** feet; Thence North **00** Degrees **10'22"** East **152.00**; Thence due East, **38.00** feet; Thence North **00** Degrees **10'22"** East **136.00** feet; Thence due East **250.00** feet to the Westerly right-of-way of Military Trail; Thence North **00** Degrees **10'22"** East, along said right-of-way, **30.81** feet to the POINT **OF** BEGINNING, and being located in a CG-General Commercial Zoning District, was approved on January **25, 1990** as advertised, subject to the following conditions:

1. Petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review Committee approval, the Petitioner shall:
  - A. Provide a minimum ten (10) foot wide landscape strip adjacent to Building K, or shall present written authority from the Lake Worth Drainage District permitting minimum Landscape Code Requirements to be met within their easement.
  - B. Provide documentation which clarifies ownership of the northern 54.78 feet of the property. If said property is found to belong to the Lake Worth Drainage District, the Site Plan shall be revised to comply with all Zoning Code Requirements.
3. Security lighting along the western property line shall be low intensity a maximum of fifteen (15) feet tall and directed away from nearby residential properties.
4. Native vegetation within perimeter landscape strips and setback areas shall be preserved.
5. Use of the site shall be in compliance with Section 500.38 of the Zoning Code. Only dead storage shall be permitted on site.
6. Two copies of an executed Unity of Title shall be submitted with the Site Plan Review Committee application. This document shall be in a form acceptable to the County Attorney prior to Site Plan Review Committee approval.
7. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.

10. 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 **\$3,080.00 (56 trips X \$55.00 per trip)**.
11. In addition the Developer shall contribute the amount of **\$150.00** as established in Article V Section 3 (Insignificant Project Standard) **of** the Traffic Performance Standards Code. These total funds of **\$150.00** 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 **\$150.00** shall be credited toward the increased Fair Share Fee.
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 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

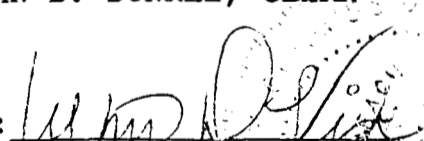
PALM BEACH COUNTY, FLORIDA  
BY ITS **BOARD OF COUNTY**  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK