

RESOLUTION NO. R-86-573

RESOLUTION APPROVING ZONING PETITION 74-126 (A), Special Exception

WHEREAS, the Board of County Commissioners, as the zoning authority, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 74-126(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; and

WHEREAS, the Board of County Commissioners 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, the Board of County Commissioners made the following findings of fact:

1. With site plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of January 1986, that Petition No. 74-126(A) the petition of S.F.B. REALTY CORPORATION By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A BANK PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 74-126 TO INCLUDE AN AUTO CARE FACILITY on a parcel of land in the Northwest 1/4 of Section 1, Township 44 South, Range 42 East, and being more particularly described as follows:  
Being the East 190.00 feet of the West 644.00 feet of the East 697.00 feet of the North 229.25 feet of the South 667.25 feet of the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 1, Township 44 South, Range 42 East,  
and being further described by metes and bounds as follows:

commencing at the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of said Section 1, also being the centerline intersection of Gun Club Road and South Military Trail (S.R. 809); thence run North 00 degrees 05'07" East, along said centerline of South Military Trail, also being the East line of said Northeast 1/4 of the Northwest 1/4 of Section 1, a distance of 40.00 feet to a point; thence run South 89 degrees 50'07" West, a distance of 53.00 feet to a point, said point being the intersection of the West right-of-way line of South Military Trail and the North right-of-way line of Gun Club Road; thence run North 00 degree 05'07" East along said West right-of-way line of South Military Trail, a distance of 398.00 feet to the Point Of Beginning; thence continue North 00 degree 05'07" East, along the West right-of-way line of South Military Trail, a distance of 229.25 feet to a point; thence run South 89 degrees 51'27" West, a distance of 190.00 feet to a point; thence run South 00 degree 05'07" West parallel with the West right-of-way line of said South Military Trail, a distance of 229.32 feet to a point; thence run North 89 degrees 50'07" East, a distance of 190.00 feet to the Point Of Beginning. Said property located on the west side of Military Trail (S.R. 809) approximately 400 feet north of Gun Club Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:

- a) A two-way access dimension of twenty-five (25) feet or greater.
- b) NO parking stalls within the twenty (20) foot backup distance.
- c) The required number of parking spaces outside the building or variance relief shall be obtained from the Board of Adjustment.

2. The developer shall preserve existing vegetation wherever possible and incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

4. Security lighting shall be directed away from nearby residences.

5. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.

6. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30,

F.A.C.

7. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
10. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.
11. 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 \$5,787.00 (216 trips X \$26.79 per trip).
12. The property owner shall not be permitted access onto Military Trail.
13. The property owner shall plat the subject parcel (entire Gun Club Shopping Center Site) prior to certification of the Site Plan per the requirements of the Subdivision and Platting Regulations Ordinance 73-4 as amended.
14. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.
15. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner Wilken , moved. for approval of the petition. The motion was seconded by Commissioner Spillias , and upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ASSENT

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLOKIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Paly  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Randy Ingram  
County Attorney