

RESOLUTION NO. R-87-230

RESOLUTION RPPROVING ZONINB PETITION 82-152(A), Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 82-152(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 1986 and

WHEREFIS, 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 required site plan modifications this proposal will be is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PRLM BERCH COUNTY, FLORIDA, assembled in regular session, this 10th day of February, 1987, that: Petition No. 82-152(A), the petition of NFFITIONRL SELF STORAGE EQUITIES FLORIDR, LIMITED PRRTNERSHIP, By Lee Starkey, Agent, for a SPECIAL EXCEPTION TO RMEND THE SITE PLFIN FOR FN OFFICE/WAREHOUSE COMBINATION INCLUDING RECRERTIONRL VEHICLE STORAGE, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-152 TO DELETE .26 RCRES OF LFIND AND TO RLLow A COMMERCIFIL NEW RND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE,

MOBILE HOME, RECREATIONFIL VEHICLE SALE FIND RENTAL FIND REFFIR FACILITIES AND LOTS WITH A REDESIGN OF THE SITE AND INCRERSING BUILDING SQUFIRE FOOTAGE on Lots 38 to 49, inclusive, less the West 35 feet thereof, Military Park, Halls Rddition, Section 24, Township 43 South, Range 42 East, according to the plat thereof, recorded in Plat Book 12, Page 44; and Cecil Avenue (now, vacated) as shown on the Plat of Military Park; Halls Addition, according to the plat thereof, recorded in Plat Book 12, Page 44; Less that part of Cecil Avenue lying within 60 feet of the base line survey of State Road 809. And the North 170 fret of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East, Less the West 60 feet thereof, LESS however the following parcel: Beginning at the Southwest corner of the above described parcel; thence, North 01 degree 23'24" East, along the East Right-of-Way line of Military Trail, a distance of 28.76 feet; thence, South 89 degrees 01'48" East, a distance of 394.72 feet; thence, South 00 degrees 51'24" West, a distance of 28.76 feet; thence, North 89 degrees 01'48" West, along the South line of the said North 170 feet, a distance of 394.99 feet ho the Point of Beginning. Said property located on the east side of Military Trail (S.R. 809), approximately .35 mile north of Okeechobee Boulevard (S.R. 704) in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein,
2. Prior to site plan certification, cross-access agreements shall be recorded, and shall be subject to approval by the County Attorney.
3. Prior to site plan certification, the site plan shall be amended to reflect the following?
 - a. a minimum of one (1) tree in each terminal island
 - b. a solid six (6) foot high fence, wall or shrub hedge along the easternmost portion of the south property line.
4. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the subject property.

5. Condition No. 5 of Petition No. 82-152 which currently states:

"5. The developer shall contribute the sum of \$2,225.00 toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the rate of .12 per square foot at the time of the issuance of the building permits."

is hereby amended to state:

"5. 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 917,092.00 (638 trips X 926.79 per trip). "

6. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$4,273.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$21,365.00 to be paid prior to June 1, 1987 or prior to the issuance of a building permit whichever shall first occur.
7. The property owner shall reconstruct the existing medians on Military Trail adjacent to this site to provide for a left turn lane, north approach on Military Trail at the project's south entrance and a left turn lane, south approach on Military Trail at the property's north property line.
- a. Retail and consumer services uses of the facility shall be limited to sale of motor vehicle parts and tires, transmission repair, muffler shop and similar uses. No sale of new or used motor vehicles, trailers, or boats shall be permitted on site.
9. The land uses indicated in Condition No. 8 above shall be restricted to the single building closest to Military Trail.
10. No outdoor storage of disable or inoperative vehicles shall be permitted on site.
11. No retail sales shall be permitted in the office warehouse building.
12. There shall be no outdoor loudspeaker systems permitted on site.
13. All exterior lighting shall be low intensity and shall be directed away from adjacent residential uses.
14. No off premise signs shall be permitted on site.
15. Operation of the auto repair facility shall be limited to the hours of 7:00 a.m. to 7:00 p.m. daily. Operation shall not be permitted on holidays or Sundays.
16. The perimeter buffer separating the development from the adjacent Seminole Colony Mobile Home Park shall be designed as follows:
 - a) a solid masonry wall shall be constructed with a minimum height of eight (8) feet.

- b) Trees shall be planted along the interior of this wall. Trees shall be of a suitable species as determined by the Zoning Division. Trees shall be a minimum of twelve (12) feet in height on planting spaced twenty (20) feet on center.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of September 25, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Leary*
Deputy Clerk.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

DM

County Attorney