

RESOLUTION NO. R-88-1186

RESOLUTION APPROVING ZONING PETITION NO. 85-137(A)
SPECIAL EXCEPTION PETITION OF SIL-FIR CORPORATION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-137(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on ** 1987; 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, 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-137(A), the petition of SIL-FIR CORPORATION, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-137 ON OCTOBER 30, 1985, TO INCLUDE AN AUTOMOBILE SERVICE STATION (AND ACCESSORY MECHANICAL REPAIR), A CAR WASH (SELF SERVICE OR, AUTOMATIC) AND A REDESIGN OF THE SITE on a parcel of land lying on the Easterly 474.02 feet of the South 330 feet of the Southwest 1/4 of Section 13, Township 43 South, Range 42 East; LESS the Easterly 50 feet thereof as Right-Of-Way for Military Trail, located on the northwest corner of the intersection of Military Trail (SR 809) and 12th Street in a CG-

General Commercial Zoning 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, the site plan shall be amended to indicate the following:
 - a) Required and proposed handicap spaces added to the site plan and the Site Data tabular.
 - b) Deletion of the Landscape Buffer Alternative Number Three from the northeastern portion of the site.
 - c) A five (5) car stacking distance.
3. Condition No. 16 of Zoning Petition No. 85-137 (Resolution No. R-86-125) which states:

"16. 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 \$88,407.00 (3,300 trips X \$26.79 per trip)"

is hereby modified to state:

"16. 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 \$90,898.00 (3,393 trips X \$26.79 per trip)."

4. Condition No. 17 of Zoning Petition No. 85-137 (Resolution No. R-86-126) which states:

"17. Based on the Traffic Performance Standards (Category B"), the developer shall contribute an additional \$22,102.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$110,509.00 to be paid prior to the issuance of the first building permit or prior to October 1, 1986 whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$22,102.00 shall be credited toward the increased

Fair Share Fee."

is hereby modified to state:

"17. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$22,725.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$113,623.00 to be paid prior to the issuance of the first building permit or prior to certification of the Site Plan, or prior to June 1, 1988 whichever of the three shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$22,725.00 shall be credited toward the increased Fair Share Fee."

5. Prior to site plan certification, the developer shall execute a Unity of Title on the subject site subject to approval by the County Attorney's Office.
6. 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.
7. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
8. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
9. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.
10. Condition No. 3 of Zoning Petition No. 85-137 (Resolution No. R-86-126) which states:

"3. The north and west facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development."

is hereby deleted.

- 11. Condition No. 23 of Zoning Petition No. 85-137 (Resolution No. R-86-126) which states:

"23. Exact copies of all graphics presented at the Planning Commission and Board of County Commissioners Public Hearings shall be submitted to the Zoning Division for inclusion into the permanent petition file."

is hereby deleted.

- 12. Condition No. 24 of Zoning Petition No. 85-137 (Resolution No. R-86-126) which states:

"24. Minimum landscaping shall be installed as shown on graphics presented at the public hearings before the Planning Commission and the Board of County Commissioners."

is hereby deleted.

- 13. There shall be no automobile repair service conducted on site.

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

Carol A. Roberts -- Aye
Carol J. Elmquist -- Aye
Karen T. Marcus -- Aye
Dorothy Wilken -- Aye
Kenneth M. Adams -- Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature] COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature] DEPUTY CLERK PALM BEACH COUNTY FLORIDA BOARD OF COUNTY COMMISSIONERS