

RESOLUTION NO. R-88-1546

RESOLUTION APPROVING ZONING PETITION NO. 79-240(A)  
SPECIAL EXCEPTION PETITION OF EUGENE CONTE,  
TRUSTEE, FOR AMERICAN REAL ESTATE TRADING, INC.  
AND WILLIAM C. HAMMOND, TRUSTEE

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. 79-240(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 27, 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. 79-240(A), the petition of EUGENE CONTE, TRUSTEE, FOR AMERICAN REAL ESTATE TRADING, INC. AND WILLIAM C. HAMMOND, TRUSTEE, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, A DAY CARE CENTER, AUTOMOBILE AND FARM EQUIPMENT REPAIR FACILITY AND A CAR WASH PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-240 TO REDESIGN THE SITE PLAN AND TO INCLUDE A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA AND AUTOMOBILE SERVICE STATION, on a parcel of land lying in Tract 9, Block I, Loxahatchee Groves, Section 32, Township 43 South, Range 41 East, as recorded in Plat Book 12, Page 29, said parcel being more particularly described

as follows: Beginning at the Southeast corner of Tract 9, Block I, Loxahatchee Groves, and the North right-of-way of State Road #80 (Southern Boulevard); Thence, West along the North Right-Of-Way line of State Road #80, a distance of 722.65 feet to a point; Thence, 89 degrees 24' 30" from East to North, a distance of 301.19 feet to a point; Thence 88 degrees 30' 00" from South to West, a distance of 150.05 feet to a point; Thence 88 degrees 30' 00" from East to North, a distance of 300.92 feet to a point in the centerline of West Tangerine Road; Thence, 90 degrees 35' 30" from South to East, a distance of 867.20 feet to a point in the East line of Tract 9, Block I; Thence 89 degrees 55' 45" from West to South, a distance of 120.00 feet to a point; Thence, 90 degrees 04' 15" from North to West, a distance of 198.5 feet to a point; Thence, 90 degrees 04' 15" from East to South, a distance of 200.0 feet to a point; Thence, 89 degrees 55' 45" from North to East, a distance of 198.5 feet to a point in the East line of Tract 9; Thence 89 degrees 55' 45" from West to South, a distance of 279.73 feet to the Point of Beginning. LESS, however, the Southerly 125 feet thereof for Road Right-Of-Way. Together with, a temporary easement for ingress and egress over a strip of land 60 feet in width lying in Tract 9, Block I, Loxahatchee Groves, according to the plat thereof on file in the Office of the Clerk of the Circuit Court, Plat Book 12, Page 29; said 60 foot wide strip being bounded on the South by the South line of said Tract 9, and being bounded on the North by a line 125 feet North of as measured at right angles to, and parallel with the South line of said Tract 9; the centerline of said 60 foot wide strip being specifically described as follows: From the Southeast corner of said Tract 9; Thence, Westerly along the South line of said Tract 9, a distance of 495.64 feet to the Point of Beginning of said centerline; Thence, Northerly, along a line at an angle to the South line of said Tract 9 of 89 degrees 24' 30", as measured from East to North, a distance of 125.01 feet to the terminus of said centerline, located on the north side of Southern Boulevard (SR 80), approximately 100 feet west of "D" Road (144th Way North), 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) parallel parking stalls a minimum of twenty-two (22) feet in length.
3. Prior to site plan approval, petitioner shall record a Unity of Title Agreement covering all property except the Post Office parcel.
4. The rear facade of the shopping center shall be given

architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon future/nearby residential development.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
6. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
7. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
8. No further clearing shall take place on site. The remaining oaks and other native vegetation shall be preserved and incorporated into the project design.
9. 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.
10. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
11. Since sewer is available to the property, a septic tank shall not be approved for use on the property.
12. Condition No. 2 of Petition 79-240 presently states:  
  
"2. Petitioner shall construct the frontage road within the projects property limits"  
  
is hereby deleted.
13. Condition No. 7 of Petition 79-240 presently states:  
  
"7. Petitioner shall contribute Forty-eight Thousand Dollars (\$48,000.00) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's

requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7. This fee shall be determined and calculated as follows:

Commercial	\$37,500.00
Office	6,000.00
Garage	2,500.00
Day Care	2,000.00"

is hereby amended to state:

"7. 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 \$9,778 (365 additional trips X \$26.79).

14. The developer shall retain 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 onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
15. No access shall be permitted onto West Tangerine Road or West "D" Road.
16. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$2,445.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$12,223.00 to be paid prior to the issuance of the next building permit or prior to January 1, 1988 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 \$2,445.00 shall be credited toward the increased Fair Share Fee.

17. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
  - a. Building Permits for the last 3,500 square feet shall not be issued until State Road 80 has been constructed as a 4 lane median divided section from Forest Hill Boulevard to Seminole Pratt Whitney Road.

18. A minimum of 14,650 square feet of gross leasable area of the proposed plaza shall remain as office use.
19. The petitioner shall revise the State of Florida Department of Transportation plans for the four lane of State Road 80 to incorporate a left turn lane west approach at the proposed median opening of this subject site. This property owner shall be fiscally responsible for any change order associated with these plans.
20. Repairs of farm implements shall take place entirely within an enclosed building.
21. No off premise signs shall be permitted on the site.
22. No car wash facilities shall be permitted on site.
23. No gasoline sales shall be permitted on site.

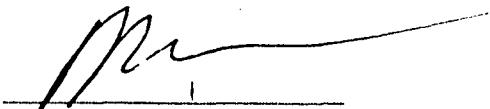
Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 27, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


BY:

  
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COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
\_\_\_\_\_  
DEPUTY CLERK