

RESOLUTION NO. R-89- 367

RESOLUTION APPROVING ZONING PETITION NO. 87-103
SPECIAL EXCEPTION PETITION OF **ADAMHILL** FINANCIAL 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. 87-103 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 25, 1988; 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. 87-103 the petition of **ADAMHILL** FINANCIAL CORPORATION, for a SPECIAL EXCEPTION TO ALLOW: 1) A PLANNED COMMERCIAL DEVELOPMENT: AND 2) AN AUTO SERVICE STATION (AUTOMOTIVE SERVICE) on a parcel of land lying in:

PARCEL A:

A parcel of land in Section 1, Township 46 South, Range 4.2 East. The North 125.00 feet of the South 295.29 feet of the Northwest **1/4** of the Northwest **1/4** of the Southwest **1/4** of said Section 1, subject to the right-of-way of Military Trail, Together with:

PARCEL B:

A Tract of land in the Northwest **1/4** of the Northwest **1/4** of the **Southwest 1/4** of Section 1, Township 46 South, Range 42 East, more particularly described as follows:

From the West **1/4 of** Section (corner of Section 1, Township 46 South, Range 42 East) run South along the Section line a distance of **80.00** feet: thence in an Easterly direction with an angle of 92 degrees **28'** measured from North to East, a distance of 40.04 feet to a point in the Easterly Right-of-Way line of Military Trail and the point of beginning; thence in an Easterly direction along the extension of the preceding course, a distance of 629.15 feet to a steel rod; thence in a Southerly direction with an angle of 92 degrees **16'** measured from West to South, a distance of 295.96 feet to a steel rod: thence in a Westerly direction a distance of 628.15 feet to a point in the Easterly Right-of-Way of Military Trail: thence along the East Right-of-Way of Military Trail in a Northerly direction 295.28 feet to the Point of Beginning, located on the East side of Military Trail (SR 809) approximately .1 mile North of Coconut Lane, bounded on the North by Lake Worth Drainage District Canal, L-29, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to **certification**, the site plan shall be amended to indicate the following:
 - a. Required revised tabular information which shall include:
 1. Maximum bay size.
 2. Maximum height of all structures.
 3. Required parking breakdown.
 4. Revised specification for required hedge material
 5. Required interior landscape data.
 6. Amount of interior landscaping which is transferred to the perimeter.
 7. Area of all specialized vehicular use areas.
 - b. Required CBS wall along the eastern property line.
 - c. Required ten (10) **foot** high canopy trees spaced twenty (20) feet on center around the entire **self-**service storage facility.
 - d. Required screening around all dumpsters.
 - e. Lighting specifications.
 - f. | Signage** information.
 - g.** Deletion of the reference to "**mini-warehouse**".
3. The petitioner shall relocate the central access point on Military Trail to the northern portion **of** the site or shift the entire automotive center 15 feet to the east to allow for improved circulation in the western 'portion of the' site.
4. The petitioner shall indicate all interior landscape areas on site.

5. Use of the site shall be limited to an automotive **service center and** a self-service storage **facility**. No **gasoline** sales or car wash shall be allowed on site.
6. No **stock** loading or dumpster pickup will be permitted between the hours of 9:00 p.m. and **7:00 a.m.**
7. No outside storage of disassembled vehicles Or Parts thereof shall be permitted on **site**.
8. Lighting used to illuminate the premises shall be shielded and directed away from streets and neighboring properties. Lighting within the eastern 200 feet of the site shall be limited to fixtures that are a maximum of eighteen feet in height.
9. Property owner shall record a Unity of Title on the subject parcel prior to site plan certification. The Unity shall be subject to approval by the County Attorney and County Engineer.
10. No outdoor loudspeaker system shall be allowed on site.
11. 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** three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
12. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
13. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, **60 feet** from **Centerline** free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation,, **acceptable** to the Land' **Acquisition** Division to ensure that the property is free of all encumbrances and encroachments. **Right-of-way** conveyance shall also include **"Safe sight Corners"** where appropriate at intersections as **determined** by the County Engineer.
14. The property owner shall construct a left turn lane, north approach on Military Trail at the **project's**

entrance road concurrent with **onsite** paving and drainage improvements. The property owner shall bear all costs associated with this plan review.

15. Property owner shall be permitted only one entrance/exit onto Military Trail until this section of road has been constructed as a 4 lane median divided roadway.
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 **\$36,890.00** (1,377 trips X \$26.79 per trip).
17. In addition, the petitioner shall contribute the amount of **\$7,395.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of **\$7,395.00** shall be paid prior to the issuance of the first Building Permit.
18. If the "**Fair** Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$7,395.00** shall be credited toward the increased Fair Share Fee.
19. In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:
 - a) No more than 48,400 square feet of gross leasable floor area of self service storage shall be issued until construction has begun for Military Trail as a 4 lane section from Lake Ida to Steiner Road plus the appropriate paved tapers. No other uses shall be permitted until construction has begun for Military Trail as a 4 lane median divided section between West Atlantic Avenue and Via Delray.
20. 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.
21. Since sewer service is available to the property, septic tank shall not be approved for use on the **property.**
22. Because water service is available to the property, a well shall not be approved for potable water use.

23. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.
24. Prior to site plan review, the petitioner shall submit a revised Zoning District Boundary Map (Quad Sheet 36) which correctly delineates the boundaries of the site.
25. No **new** off-premise signs shall be permitted on the site. The existing off-premise sign on the site shall be removed either:
 - a. Upon the expiration of the current lease term; or
 - b. No later than July 12, 1991; or
 - c. Sooner, as provided by law.

Commissioner Wilken 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. Elmgvist	--	W e
Karen T. Marcus	--	W e
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	W =

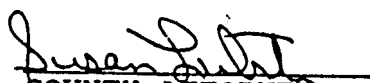
The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 Confirming action of March 25, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLES, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK