

RESOLUTION NO. R-89- 584

RESOLUTION APPROVING ZONING PETITION NO. 77-41(A)
SPECIAL EXCEPTION PETITION OF BABCOCK ECONOMY
FURNITURE STORE, INC. AND JAMES C. AND EVELYN M. BABER

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. 77-41(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 28, 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. 77-41(A), the petition of BABCOCK ECONOMY FURNITURE STORE, INC. AND JAMES C. AND EVELYN M. BABER, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO (AMEND THE SITE PLAN FOR A LARGE SCALE COMMUNITY SHOPPING CENTER, INCLUDING AN AUTOMOTIVE PARTS AND INSTALLATION FACILITY, PREVIOUSLY APPROVED UNDER ZONING PETITION 77-41 ON APRIL 28, 1977 (RESOLUTION R-77-476 ADOPTED MAY 17, 1977) TO PERMIT A CAR WASH (SELF SERVICE AND AUTOMATIC) IN PHASE 11), on a parcel of land lying on the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, LESS the right-of-way for State Road 809 (Military Trail) and less the West 130.00 feet of the South 150.00 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East;

and a parcel of land in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Beginning at the Northeast corner of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 25; thence westerly along the North line of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 a distance of 369.80 feet, more or less, to a point in a line parallel with and 303.00 feet easterly from the North-South 1/4 Section line of said Section 25; thence southerly along said parallel line a distance of 125.66 feet, more or less, to the northerly right-of-way line of Cherry Road Extension, as shown on Map by Palm Beach County Engineer; said point on the North right-of-way line of Cherry Road Extension being in the arc of a curve concave to the North and having a radius of 770.00 feet; thence easterly along the North right-of-way line of Cherry Road Extension and the arc of said curve a distance of 35.85 feet to a tangent to said curve; thence along said tangent, a distance of 117.62 feet to the P.C. of a curve concave to the South and having a radius of 830.00 feet; thence continue easterly along the northerly right-of-way line of Cherry Road Extension and the arc of said curve, a distance of 202.51 feet, to the tangent to said curve; thence easterly along the tangent, a distance of 20.15 feet, more or less, to the East line of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 25; thence northerly along said East line, a distance of 63.25 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM the North 280.00 feet.

TOGETHER WITH an easement for road purposes over the following described parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, described as follows:

Commencing at a point on the aforementioned Easterly right-of-way line of Military Trail and a point 150.00 feet North of the South line of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, for a point of beginning; thence run in an Easterly direction parallel with the South line of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, a distance of 130.00 feet to a point; thence run in a Northerly direction parallel with the Easterly right-of-way line of Military Trail a distance of 30.00 feet to a point; thence run in a Westerly direction on a line parallel to the South line of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, 130.00 feet to a point in the Easterly right-of-way line of Military Trail; thence run in a Southerly direction along the Easterly right-of-way line of Military Trail, 30.00 feet to the POINT OF BEGINNING. TOGETHER with access easement over the following:

Being an access easement in the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, more particularly described as follows:

Commencing at the Northeast corner of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25; thence South 00 degrees 02' 33" West along the easterly line of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4, 73.45 feet to the northerly right-of-way line of Cherry Road; thence South 89 degrees 40' 53" West along the northerly right-of-way line of Cherry Road, 20.65 feet to a point of curvature; thence southwesterly along said northerly right-of-way line being an arc of a curve concave to the South having a radius of 830.00 feet and a central angle of 13 degrees 58' 45", a distance of 202.51 feet to a point of tangency; thence South 75 degrees 42' 02" West along said northerly right-of-way line of Cherry Road 41.16 feet to the POINT OF BEGINNING of the centerline of a 50 foot access easement and to the beginning of a centerline of a 40 foot access easement; thence North 00 degrees 00' 12" West along said centerline, 120.00 feet to the terminus of the 50 foot access easement and to the beginning of a centerline of a 50 foot access easement; thence North 00 degrees 00' 12" West along the centerline of said 40 foot access easement, 128.83 feet to the North line of the 1.379 acre parcel of land described in Schedule "B" attached to the Warranty Deed recorded in Official Record Book 2960, Page 1024, said line being the terminus of said access easement, located on the east side of Military Trail (S.R. 809), bounded on the south by Cherry Road and on the north by Lake Worth Drainage District Lateral Canal No. 2, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all conditions of previous approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Interior landscape data.
 - b. Phase I parking, landscaping, and site data.
3. The petitioner shall incorporate the Phase I parcel in the site plan.
4. Prior to site plan certification, the petitioner shall submit a revised legal description of the property, Phase I and Phase 11, inclusive.
5. All sabal palms shall be preserved or relocated on site.
6. Additional trees planted to supplement existing and relocated trees shall be native species.
7. In order to avoid an incompatible appearance upon

adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center.

8. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
9. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
10. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.
11. No off-premises, or billboard-style, signs shall be permitted on the site.
12. All outdoor lighting shall be directed away from rights-of-way and the adjacent properties.
13. 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.
14. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
15. 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 \$3,616.65 (135 trips X \$26.79 per trip).
16. Uses on the site shall be restricted to the number of vehicle trips as set forth in the traffic impact analysis.

17. The furniture store located on the southern 5.90 acres shall not be changed to another use which requires more parking spaces, without an amendment to the Special Exception through the Board of County Commissioners.
18. 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.
19. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
20. Since water service is available to the property, a potable water well shall not be approved for use on said property.
21. Petitioner shall install ten (10) foot to twelve (12) foot canopy trees within the perimeter landscape strip.

Commissioner Wilken moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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 4th day of April, 1989 confirming action of January 28, 1988 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLEE, CLERK

BY:


DEPUTY CLERK

