

RESOLUTION NO. R-89- 336

RESOLUTION APPROVING ZONING PETITION NO. 87-152  
SPECIAL EXCEPTION PETITION OF NABEL HANSEN, 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. 87-152, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 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. 87-152, the petition of NABEL HANSEN, TRUSTEE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, IN THE COURSE OF WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR A COMMUNITY SHOPPING CENTER INCLUDING A FINANCIAL INSTITUTION AND A WATER AND SEWER TREATMENT PLANT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 74-18 ON MARCH 28, 1974 (RESOLUTION NUMBER R-74-275 ADOPTED APRIL 16, 1974), on a parcel of land lying in Parcel No. 1 of the Trails-End Plaza in Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 31, Page 59, located on the east side of Military Trail (S.R. 809) approximately .4 mile south of Hypoluxo Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Transfer of the specialized vehicular use area landscaping on Parcel B to the perimeter of site.
  - b. Perimeter landscape buffer option number two of the Zoning Code Section 500.38.D.5(2)
  - c. Relocation of the dumpster and the loading area to the northeastern portion of the site from the western portion of the retail lease building, to an area not visible from Military Trail.
2. Locate and preserve the mature ficus tree on site.
3. Petitioner shall submit two (2) copies of properly executed (Cross-Access\Unity of Control) documents to the Zoning Division simultaneously with the Site Plan Review Committee Meeting.
4. Security outdoor lighting shall be of low intensity and light standards will meet a minimum fifteen foot setback requirement from residential developments.
5. Proposed structures shall receive uniform architectural treatment.
6. No outdoor storage or disassembled vehicles or parts thereof shall be permitted on site.
7. 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.
8. If required by the County Engineer or the South Florida Water Management District 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.
9. Within 90 days of approval of this project, the

property owner shall convey to Palm Beach County by road right-of-way warranty deed additional right-of-way required for the construction of a right turn lane, south approach on Military Trail at the project's entrance road. This right-of-way shall be 72 feet from centerline, and 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.

10. Property owner shall be restricted to only one entrance until Military Trail has been constructed as a 4 lane median divided section adjacent to the site.
11. 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 \$140,380.00 (5,240 trips X \$26.79 per trip).
12. Property owner shall;
  - a. Record an Unity of Control on the subject parcel; and
  - b. Record a cross access agreement to the parcel to the south adjacent to Military Trailprior to site plan approval, subject to approval by the County Attorney and County Engineer until provisions of Palm Beach County's Subdivision and Platting Regulations have been met.
13. If required by the County Engineer, the property owner shall construct a left turn lane, north approach and a right turn lane, south approach on Military Trail at the project's entrance road, concurrent with paving and drainage improvements.
14. The property owner shall fund the construction of a left turn lane, north approach, and a continuous right turn lane, south approach, on Military Trail at the project's entrance road. Acceptable surety for this construction shall be posted prior to April 1, 1988 or prior to site plan approval, whichever shall first occur, and shall include all construction costs and plan revisions.
15. 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 violations of the Palm Beach County Zoning Code.

16. 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.
17. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
18. Because water service is available to the property, a well shall not be approved for potable water use.
19. No off-premise signs shall be permitted on the site.
20. The petitioner shall install ten (10) to twelve (12) foot canopy trees along the east, south, and west perimeters of the site.

Commissioner Elmquist 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	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

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