

RESOLUTION R-99-1221

RESOLUTION CORRECTING RESOLUTION R-99-1143
RESOLUTION APPROVING ZONING PETITION OF
AUTO CARE CENTER OF HYPOLUXO, INC.
PETITION DOA89-110(B)

WHEREAS, AUTO CARE CENTER OF HYPOLUXO, INC., petitioned the Palm Beach County Board of County Commissioners on June 29, 1999 for a Development Order Amendment (DOA) to modify condition M.4 and delete condition H.2 in R-96-1185; and

WHEREAS, Resolution R-99-1143, adopted on June 29, 1999 confirming the action of the Board of County Commissioners, inadvertently omitted Conditions E-1 through E.7 in Exhibit C; and

WHEREAS, Conditions E.1 through Condition E.7 in Resolution R-99-1143 should have read as follows:

~~No Engineering Conditions~~

1. Condition E I of Resolution R-96-1185 Petition 89-110(A) which currently states:

The Developer shall provide discharge control and treatment for 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** the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. (BLDG PERMIT: Monitoring - Eng)

Is hereby deleted. [REASON: code requirement]

2. Condition 16 of Resolution R-90-582, Petition 89-110 was deleted by Resolution R-96-1185 Petition 89-110(A).
3. Prior to November 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Hypoluxo Road, in accordance with Palm Beach County's existing right-of-way deed No. 87514 free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as

determined by the County Engineer. (Previously Condition E3 of Resolution R-96-1185 Petition 89-110(A)) (BLDG PERMIT/CO: MONITORING - Eng)

[NOTE: Condition has been complied with]

4. Condition E4 of Resolution R-96-1185 Petition 89-110(A) which currently states:

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 \$15,400.00 (**280 trips X \$55.00** per trip). (IMPACT FEE COORDINATOR)

Is hereby deleted. [REASON: code requirement]

5. Condition E5 of Resolution R-96-1185 Petition 89-110(A) which currently states:

The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (BLDG PERMIT - Monitoring - Eng)

Is hereby deleted. [REASON: code requirement]

6. Prior to Site Plan approval by the Development Review Committee, the property owner shall submit an executed cross access easement between this property owner and the parcel to the east, subject property subject to approval by the County Attorney. (Previously Condition E6 of Resolution R-96-1185 Petition 89-110(A))(DRC APPROVAL: ENG)

7. LANDSCAPE WITHIN MEDIAN

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. **All** landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County **Engineer**. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this **obligation**. (Previously Condition E7 of Resolution R-96-1185 Petition 89-110(A)) (CO: Monitoring - Eng)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- 1. The foregoing recitals are hereby affirmed and ratified
- 2. Condition E in Exhibit C of Resolution R-99-1143 is hereby corrected.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell, and upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Absent
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted on July 22, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Daniel Allen*
COUNTY ATTORNEY

BY: *Joan Newell*
DEPUTY CLERK

