

RESOLUTION NO. R-88-1187

RESOLUTION APPROVING ZONING PETITION NO. 86-8(A)
SPECIAL EXCEPTION PETITION OF GERALD HIGIER

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. 86-8(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 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. 86-8(A), the petition of GERALD HIGIER, By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-8 ON JANUARY 30, 1986 FOR A PLANNED COMMERCIAL DEVELOPMENT; INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER; IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, GASOLINE PUMP ISLAND FACILITIES AND A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS; TO INCLUDE A CAR WASH on a parcel of land in Tract 39 of the Hiatus Township 44 1/2 South, Range 42 East: Commencing at the 1/4 section corner in the South line of Section 34, Township 44 South, Range 42 East; Thence South 88 degrees 32' 23" East along the centerline of Lantana Road and South line of said Section 34, a distance of 1349.87 feet, thence South 29 degrees 44' 06" East, a distance of 63.13 feet to the Point of Beginning and intersection with the South

Right-of-Way line of said Lantana Road, said South Right-Of-Way line lying 54.0 feet South of and parallel with said South line of Section 34, thence continue South 29 degrees 44' 06" East, a distance of 920.41 feet to the intersection with the North Right-Of-Way line of Lake Worth Drainage District Lateral Canal No. 16, said North Right-Of-Way line lying 35.0 feet North of and parallel with the North line of Section 3, Township 45 South, Range 42 East, thence South 89 degrees 11' 43" West along said North Right-Of-Way line, a distance of 1299.36 feet, thence North 28 degrees, 30' 38" West, a distance of 14.22 feet to the non-radial intersection with a curve concave to the Southwest with a radius of 1,697.02 feet and a tangent bearing of South 16 degrees 02' 46" East at said intersection, thence Northerly and Westerly along the arc of said curve and Easterly Right-Of-Way of Jog Road, through a central angle of 12 degrees 27' 53", a distance of 369.19 feet to the point of tangency, thence North 28 degrees 30' 38" West along said Easterly Right-Of-Way, a distance of 227.50 feet to the point of curvature of a curve concave to the Northeast with a radius of 1577.02 feet, thence Northerly along the arc of said curve and Easterly Right-Of-Way of Jog Road, through a central angle of 10 degrees 21' 47", a distance of 285.23 feet, thence North 36 degrees 39' 26" East, a distance of 40.87 feet to the South Right-Of-Way line of Lantana Road thence South 88 degrees 32' 23" East along said South Right-Of-Way line, a distance of 1186.57 feet to the Point of Beginning, located on the southeast corner of the intersection of Lantana West Road (SR 812) and Jog Road and bounded on the south by Lake Worth Drainage District Lateral Canal No. 16, 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) A five (5) care stacking distance.
 - b) The required and/or proposed handicap parking spaces located on the site plan.
3. If required by the Palm Beach County Engineering Department or the South Florida Water Management District, the developer shall design the drainage system so that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain potentially hazardous or undesirable waste from the proposed site.
4. 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 \$1,581.00 (59 trips X \$26.79 per trip).

5. 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.
6. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
7. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public sewer system.
8. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.

Commissioner Adams, 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:


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|-------------------|----|-----|
| 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 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

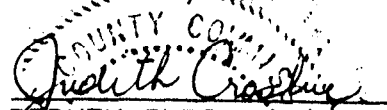
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLEY, CLERK

BY:


DEPUTY CLERK
PALM BEACH
COUNTY
FLORIDA