

RESOLUTION NO. R-88-1204

RESOLUTION APPROVING ZONING PETITION NO. 87-58
SPECIAL EXCEPTION PETITION OF ROBERT A. PAVESE
AND BRIAN S. COLLINS

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. 87-58 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 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. 87-58, the petition of ROBERT A. PAVESE AND BRIAN S. COLLINS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTO SERVICE STATION (OIL CHANGE FACILITY) on a parcel of land lying on Lots 1, 2, and 3, Block 7, in Greenacres Plat No. 1, as recorded in Plat Book 12, Page 72; LESS the West 7.0 feet for Military Trail Right-of-Way, said property more particularly described as follows, to-wit: BEGINNING at the point formed by the intersection of the center line of Lake Worth Road and the center line of Military Trail, which is the North 1/4 section corner of the North line of Section 25, Township 44 South, Range 42 East; thence running South 01 degree 54' 54" West, along the center line of said Military Trail, which is the 1/4 section line, a distance of 55.0 feet to a point; thence running South 87 degrees 04' 21" East parallel to the center line of said Lake

Worth Road, which is the North line of said Section 25, for a distance of 39.95 feet to a point, which is the POINT OF BEGINNING and the Northwest corner of this parcel.

Thence continuing South 87 degrees 04' 21" East parallel to the said center line of Lake Worth Road and along the North boundary of this parcel, a distance of 121.34 feet to the Northeast corner of this parcel; thence running South 01 degree 57' 59" West, a distance of 112.02 feet along the East boundary line of this parcel to the Southeast corner of this parcel, which is the West Right-of-Way line of Childs Street, a 50.0 foot wide dedicated Right-of-Way; thence North 87 degrees 24' 11" West, a distance of 121.32 feet, along the South boundary of this parcel to the present East Right-of-Way line of said Military Trail.

Thence North 01 degree 57' 39" East, along the said East Right-of-Way line of said Military Trail, a distance of 112.72 feet, which is the West boundary line of this parcel, to the POINT OF BEGINNING. Excepting therefrom the following: Begin at a point on the North line of said Lot 1, being 7.0 feet Easterly of the Northwest corner of said Lot 1; thence Southerly, parallel to the West line of Lot 1, a distance of 7.53 feet; thence South 87 degrees 44' 56" East, a distance of 121.33 feet to the East line of Lot 1;

Thence Northerly, along said East line, a distance of 6.10 feet to the Northeast corner of said Lot 1; thence Westerly, along said North line, a distance of 121.34 feet to the POINT OF BEGINNING. AND LESS and except the following described portions of Lots 1 and 2, Block 7, GREENACRES PLAT NO. 1,: Beginning at the Southwest corner of said Lot 1; thence North 01 degree 58' 09" East, 24.03 feet; thence South 87 degrees 44' 56" East, 121.34 feet to the East line of said Lot 1; thence South 01 degree 58' 09" West, 6.875 feet; thence North 87 degrees 05' 06" West, 88.004 feet; thence South 47 degrees 25' 17" West, 28.55 feet; thence North 88 degrees 05' 06" West, 13.00 feet to the West line of said Lot 2; thence North 01 degree 58' 09" East, along the West line of said Lot 2, a distance of 2.03 feet to the POINT OF BEGINNING, located on the southeast corner of the intersection of Military Trail (SR 809) and Lake Worth Road (SR 802), and bounded on the east by Childs Street, 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 satisfy the following:
 - a. No signs encroaching either the required five (5) foot setback or landscape strip.
 - b. No parking stalls within the twenty (20) foot backup distance, or variance relief shall be obtained from the Board of Adjustment.

- c. Twenty five (25) foot clean backup distance for all parking stalls, or variance relief shall be obtained from the Board of Adjustment.
 - d. One hundred feet (five (5) car) of stacking meeting the requirements of Section 500.17.L.1 of the Zoning Code, or variance relief shall be obtained from the Board of Adjustment.
 - e. The centerline ultimate right-of-way dimension of Childs Street.
2. 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.
3. 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.
4. The property owner shall convey for the ultimate right-of-way of:
- a) Lake Worth Road, 64 feet from centerline
 - b) Military Trail, 76 feet from centerline
- all within ninety (90) days of the approval of the Resolution approving this project.
5. The property owner shall construct Childs Street from Lake Worth Road south to the projects south property line minimum 2-10 travel lanes local street standards all concurrent with onsite paving and drainage improvements.
6. 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 \$4,715.00 (176 trips X \$26.79 per trip).

7. 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.
8. Since sewer service is available at the site, no septic tank shall be installed on the site.
9. Because public water service is available at the site, no well shall be installed to provide potable water on site.
10. Upon the expiration of its current lease agreement, petitioner shall remove the existing nonconforming off-premise sign on site. No new off-premise signs shall be established on this site.
11. Entry to the site shall be limited to Childs Street. The access point on Military Trail shall be limited to egress only. Appropriate directional signage shall be displayed clearly indicating vehicular circulation pattern on site.
12. There shall be no parking or storage of vehicles within the landscape buffer nor the ultimate rights-of-way of Military Trail, Lake Worth Road, or Childs Street.
13. Use of the site should be limited to an automobile oil change facility.


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. 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 24, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

