

RESOLUTION NO. R-89- 348

RESOLUTION APPROVING ZONING PETITION NO. 88-21
SPECIAL EXCEPTION PETITION OF B. P. OIL, INC.
GULF PRODUCTS DIVISION

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. 88-21 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 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. 88-21 the petition of B. P. OIL, INC. GULF PRODUCTS DIVISION GULF PRODUCTS DIVISION, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (NO MAJOR REPAIRS) on a parcel of land lying a parcel of land in the Southwest 1/4 of Section 5, Township 44 South, Range 43 East, being more particularly described as follows:

Commence at the point of intersection of the East Right-of-Way line of Congress Avenue (S.R. 807) as shown on State Road Department Right-of-Way Map recorded in Road Plat Book 3, Pages 32 thru 39 and the Westerly extension of the North line of LARSON ADDITION, according to the Amended Plat as recorded in Plat Book 24, Page 53; thence run North 02 degrees 30' 35" East, along the East Right-of-Way line and being parallel with and 33.00 feet

East of the West line of said Section 5, for a distance of 300.31 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence run South 88 degrees 33' 15" East, parallel to the Center line of construction as per Right-of-Way Map as per Section No. 93580 for 150.00 feet to a point; thence run South 02 degrees 30' 38" West, parallel to the West line of said Section 5 for 141.00 feet to the Northerly Right-of-Way line of Summit Boulevard; thence run North 88 degrees 33' 15" West, along said Northerly Right-of-Way line for 118.16 feet to a point; thence run North 41 degrees 29' 25" West, for 45.87 feet to an intersection with the Easterly Right-of-Way line of Congress Avenue (aforementioned); thence run North 02 degrees 30' 38" East, along said Right-of-Way for 107.41 feet to the POINT OF BEGINNING, located on the northeast corner of the intersection of Summit Boulevard and Congress Avenue (S. R. 807), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Relocation of the proposed signs out of required landscape strip.
 - b. Continuous perimeter landscape hedge.
 - c. Relocation of the parking space out of the access aisle to avoid vehicular conflict.
2. The petitioner shall redesign the site to provide additional stacking and circulation maneuvering area by moving the building north, if a variance is granted by the Board of Adjustment, realigning the pump island, or eliminating the northernmost gasoline pump island (full service pump) in order to move all of the pump islands northward.
3. 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.
4. 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.

5. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for:
 - a) Congress Avenue, 63 feet from centerline, including a safe corner
 - b) Summit Boulevard, 60.5 feet from centerline, shall be reserved for future right-of-way but not dedicated.

All in accordance with Palm Beach County's Special Intersection Treatment Map 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.

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 \$1,795.00 (67 trips X \$26.79 per trip).
7. 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.
8. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
9. Because water service is available to the property, a well shall not be approved for potable water use.
10. The petitioner shall designate the northern most gas island pump, if it remains located west of the convenience store as full service only.
11. The dumpster shall be relocated west of the western

most parking space. The dumpster shall be screened with a solid six (6) foot fence and landscaped to obstruct views from Congress Avenue.

Commissioner Marcus 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	--	Absent
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Juan R. Roberts
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK