

RESOLUTION NO. R-89-614

RESOLUTION APPROVING ZONING PETITION NO. 87-142
SPECIAL EXCEPTION PETITION OF B.P. OIL, INC.

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. 87-142, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 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. 87-142, the petition of B.P. OIL, INC., by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (NO MAJOR REPAIRS) on a parcel of land lying on a portion of Tract 45 of "MODEL LAND COMPANY'S SUBDIVISION", of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79, being more particularly described as follows:

Commence at the Northwest corner of said Tract 45 aforementioned; thence run South 87 degrees 44' 51" East, for 174.00 feet to a point; thence run South 01 degrees 59' 54" West, for 25.00 feet to the Point of Beginning of the tract of land hereinafter described; thence continue South 01 degrees 59' 54" West, for 205.00 feet to a point, thence run North 87 degrees 44' 51" West for 139.00 feet to the Easterly right-of-way line of

South Congress Avenue as is now built; thence run North 01 degrees 59' 54" East along the Easterly line of South Congress Avenue for 194.96 feet to a point of curve; thence run North, Northeasterly and Easterly along a circular curve concave to the Southeast having a radius of 10.00 feet and a central angle of 90 degrees 15' 15" for an arc distance of 15.75 feet to a point of tangency with a line that is 25.00 feet South of and parallel with the North line of said Tract 45; thence run South 87 degrees 44' 51" East along the South line of the North 25.00 feet of Tract 45, also being the South right-of-way line of Tenth Avenue North for 128.96 feet to the Point of Beginning, located on the southeast corner of the intersection of 10th Avenue North and Congress Avenue (S.R. 807), in a CN-Neighborhood 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. required terminal island for each parking stall
 - b. the central gasoline pump islands labeled as full service only
2. Minimum landscaping shall be installed as shown on Exhibit No. 3 of the Official Zoning Record. Trees planted shall be a minimum of 10 feet (10') to twelve feet (12') upon planting.
3. No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. except as otherwise provided in this Code.
4. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11:00 p.m.
5. Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the same premises provided that:
 - a. The storage area shall not be located in any of the required setbacks or yards;
 - b. The stored merchandise shall not protrude above the height of the enclosing walls or buildings.
6. *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.

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.

7. The property owner shall convey or reserve for the ultimate right-of-way for the expanded intersection in accordance with Palm Beach County's "Typical Expanded Intersection Drawing" for:
 - a) The property owner shall reserve and not place any structures within 76 feet from the centerline of Congress Avenue without the County Engineer's approval.
 - b) Tenth Avenue North, 54.5 feet from centerline within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
8. 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 \$4,661.00 (174 trips X \$26.79 per trip).
9. In addition the petitioner shall contribute the amount of \$934.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code, These total funds of \$5,595.00 shall be paid prior to the issuance of the first Building Permit.
10. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$934.00 shall be credited toward the increased Fair Share Fee.
11. No repairs shall be permitted until the facility is connected to the public sewer system for sewage disposal.
12. 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).

13. Since water service is available to the property, a potable water well shall not be approved for use on said property.
14. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.
15. The central gasoline pump island located west of the proposed kiosk shall be restricted to full service customers.

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 4th day of April, 1989 confirming action of January 6, 1988.

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

