

RESOLUTION NO. R-89- 716

RESOLUTION APPROVING ZONING PETITION NO. 88-100
SPECIAL EXCEPTION PETITION OF KENNETH P. AND BARBARA L THOMAS

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. 88-100 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 88-100 the petition of KENNETH P. AND BARBARA L. THOMAS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION FOR AN AUTO SERVICE STATION (NO MAJOR REPAIRS) on a parcel of land lying on Lot A-11, Palm Beach Cabana Colony Commercial Area, in Section 31, Township 41, South, Range 43 East, as recorded in Plat Book 27, Page 59, less that portion convey to the State of Florida, for S.R. A1A Right-of-way in Official Record Book 3667, Page 915, being located on the southeast corner of the intersection of Florida Boulevard and State Road A1A (Alternate A1A), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The use of the site shall be limited to gasoline sales with an associated convenience store. A minimum of six-hundred (600) square feet shall be limited to storage

of goods associated with the convenience store.

2. A minimum of a twenty (20) foot, two-way traffic circulation area shall be provided east of the building.
3. There shall be no outdoor storage of vehicles or disassembled vehicle parts on site.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be permitted in landscape areas, rights-of-way or interior drives.
5. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
6. No off-premise signs shall be permitted on the site.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.
10. Storage system must be designed, constructed and operated according to all F.A.C. Chapter 17-61 and RCRA Subtitle I requirements. Plans must be submitted to and approved by ERM.
11. Registration notification must be submitted to DER at least 10 days prior to the commencement of construction activities.
12. Prior to site approval, the property owner shall revise the existing survey to indicate the existing west right-of-way line of SR Alt A-1-A and revise the proposed site plan to reflect one entrance onto Florida Boulevard and one entrance plus a one-way exit onto SR Alt A-1-A, subject to approval by the Palm Beach County Engineering Department, plus concurrent approval by the Florida DOT.

13. The property owner 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.
14. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
15. 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 SR Alt A-1-A 160 feet of right-of-way as determined by the County Engineer. This right-of-way line shall be free of all encumbrances and encroachments. Petitioner 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.
16. 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 \$7099 (265 trips X \$26.79 per trip).
17. 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.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Watt 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
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

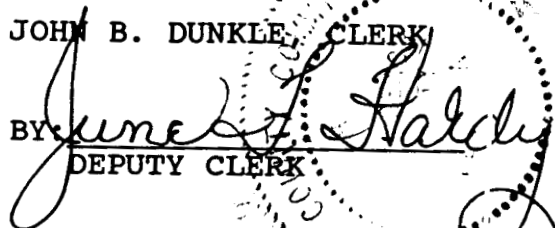
BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

