

RESOLUTION NO. R-89-1035

RESOLUTION APPROVING ZONING PETITION NO. 88-81
SPECIAL EXCEPTION PETITION OF MIDLAND TITLE SECURITY, 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. 88-81 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 23, 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. 88-81 the petition of MIDLAND TITLE SECURITY, 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 the South 195 feet of Lot 7 and the East 33 feet of the South 195 feet of Lot 6, less the South 45 feet thereof for road purposes, of "Rivard Subdivision" in Section 17, Township 42 South, Range 43 East as recorded in Plat Book 21, Page 12, being more particularly described as follows:

Begin at a point that is 45 feet North of and 33 feet West of the Southeast corner of said Lot 6, said point also on the North Right-of-way line of North Lake Boulevard: thence run North 00 degrees 00' 00" West along a line that is 33 feet West of and parallel to the east line of said Lot 6 for a distance of 150 feet to a point: thence run North 90 degrees 00' 00" East along a line that is 195 feet North of and Parallel to the South line of said Lots 6 and 7 for a distance of 150 feet to a point on the East line of said Lot 7, said point also the West Right-of-way line of Prosperity Farm Road: thence run South 00 degrees 00' 00"

East along the East line of said Lot 7 for a distance of 150 feet to a point on the North Right-of-way line of North Lake Boulevard (State Road 809), said point also 45 feet North of the Southeast corner of said Lot 7; thence run South 90 degrees 00' 00" West along said Right-of-way line for a distance of 150 feet to the Point of Beginning, being located on the northwest corner of the intersection of Northlake Boulevard (SR 809A) and Prosperity Farms Road in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Redesign the stacking lanes and parking areas to eliminate the following vehicular conflicts:
 - a. The stacking lanes for the full services or parking spaces shall be redesigned to allow the required twenty-five (25) foot back-up distance for the handicap space.
2. All 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.
3. No outdoor loudspeaker system shall be permitted on site. Only an attendant intercom shall be allowed.
4. No vehicles except customer and employee parking shall be stored or displayed on site.
5. No mechanical or body repair work shall be allowed on site.
6. There shall be no outside storage of disassembled vehicles or parts thereof.
7. The use of the site shall be limited to a gas station with four (4) self service pumps and one (1) full service pump, and a convenience store.
8. 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.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. The developer 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.

12. 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.
13. 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) Prosperity Farms Road, 40 feet from centerline
 - b) Northlake Boulevard, 54 feet from centerline

All free of 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. In addition, prior to site plan certification, the petitioner shall enter into an agreement with Palm Beach County, similar in form as Attachment "A", entitled "Agreement To Convey Right-of-way Between Broward County and Mobil Oil Corporation". The agreement shall be acceptable to Palm Beach County Engineering Department and the County Attorney, reserving an additional 20.5 feet along Prosperity Farms Road and an additional 6.5 feet along Northlake Boulevard. This reserved right-of-way shall contain no structures without the approval of the County Engineer. Compensation for this reserved right-of-way shall be limited only to Land Value Compensation and shall not include loss of parking, loss of landscaping, or loss of business damages.

14. The developer 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 \$28,746.00 (1,073 trips X \$26.79 per trip).

15. In addition the petitioner shall contribute the amount of \$2,881.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$2,881.00 shall be paid prior to site plan approval.
16. No off-premise signs shall be permitted on the site.
17. Previously installed gasoline tanks shall be inspected and removed if necessary to assure that there is no violation of statutes and regulations governing hazardous waste management.
18. Petitioner agrees to annex into the Village of North Palm Beach upon demand by the Village.
19. Prior to final certification, the petitioner shall amend the site plan to indicate ten (10) to twelve (12) foot high native canopy trees spaced thirty (33) feet on center along all perimeters of the site.
20. 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.

Commissioner Watt 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	--	Aye
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
James Watt	--	Aye

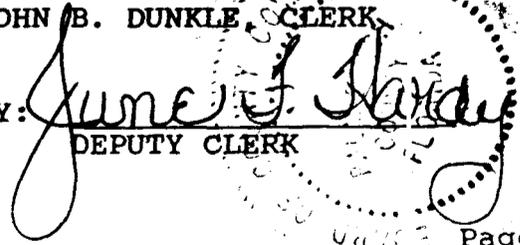
The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 23, 1988.

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