

RESOLUTION NO. R-89-1444

RESOLUTION APPROVING ZONING PETITION NO. 80-103(E)
SPECIAL EXCEPTION PETITION OF MANTRA REALTY CORPORATION

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 have been satisfied; and

WHEREAS, Petition No. 80-103(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-103(E) the petition of MANTRA REALTY CORPORATION, Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) (PETITION NO. 80-103(D)) on a parcel of land lying on Lot 5 according to the Plat of Sandalfoot Plaza, as recorded in Plat Book 48, pages 186 and 187, as in Section 31, Township 47, Range 42, being located on the east side of U.S. 441 (SR 7), approximately 200 feet north of S.W. 9th Street (Marina Boulevard), in a CG-General Commercial Zoning District, was approved on April 28, 1989, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. A twenty (20) foot wide by seventy (70) foot long landscape area north of the 2,100 square foot car wash. A paved access area for loading and periodic maintenance is allowed;
 - b. Seven (7) foot wide sidewalk along the eastern facade as indicated on Exhibit 141;
 - c. Thirty (30) foot dimension between the westernmost parking spaces and the five (5) foot wide sidewalk;
 - d. Location of vacuum stations associated with the car wash;
 - e. Directional signage and pavement striping for all stacking areas;
 - f. Required handicap spaces adjacent to the seven (7) foot wide sidewalk;
 - g. Pavement markings identifying the six (6) easternmost parking spaces as "car wash only" detail areas for drying, polishing, waxing, etc.; and,
 - h. Thirty-four (34) foot dimension between the car wash and easternmost parking spaces;
 - i. Pedestrian access to the parcel to the south by providing a minimum four (4) foot sidewalk through the landscape strips connecting the front of the building: and,
 - j. All perimeter landscape strips shall be upgraded with mahogany trees twelve (12) feet in height spaced twenty (20) feet on center with a hedge thirty-six (36) inches in height and spaced twenty-four (24) inches on center. Also trees in terminal parking islands shall be upgraded to a minimum of twelve (12) feet in height at the time of installation. All landscaping shall be maintained in a viable healthy condition.
3. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site

plan for the Sandalfoot Planned Commercial Development. Revised tabular data for all building square footages, required parking and landscaping shall be keyed to the respective outparcels and the overall center. This tabular data shall be subject to final approval by the Zoning Division.

4. Use of the subject sub parcel shall be limited to:
 - a. 2,100 square foot car wash:
 - b. 1,440 square foot oil/lube facility: and,
 - c. 2,880 square feet of retail and/or consumer uses as outlined in the traffic report and approved by the County Engineer.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way or interior drives.
6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
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. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
11. There is a potential for restricted materials; to be stored onsite including petroleum products and solvents. An Affidavit of Notification must be executed and the petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the wellfield. It is recommended that double walled tanks and piping be included as part of those measures.

12. The Developer shall provide discharge contr^{ol} 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.
13. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
14. The petitioner 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 \$13,342.00 (498 trips X \$26.79 per trip).
15. The western facade of the buildings shall be given architectural treatment consistent with the front facade.
16. Prior to site plan certification, the petitioner shall submit a master signage program to consist of uniform color and character in keeping with the architecture character of the building.
17. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a building, or similar objects, gimmicks, or advertising designed to attract the public's attention off-site shall be displayed outdoors, upon any buildings, vehicles or wall, other than inside a window as may be permitted by the Sign Code.

18. Failure to comply with any conditions of approval 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 Marcus moved for adoption of the Resolution.

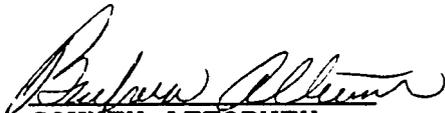
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August, 1989.

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

