

ORIGINAL

RESOLUTION NO. R-92- 346

RESOLUTION APPROVING ZONING PETITION NO. 81-106(A)
SPECIAL EXCEPTION PETITION OF
JACK E. COOK, WILLIE H. DAY & SEYMOUR WEISSMAN

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. 81-106(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 3, 1992; 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 the 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, Chapter 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. 81-106(A), the petition of JACK E. COOK, WILLIE H. DAY AND SEYMOUR WEISSMAN, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A GASOLINE AND DIESEL PUMP ISLAND FACILITY TO INCLUDE A VEHICLE (TRUCK) RENTAL SERVICE on a parcel of land lying in Parcel "B", Tract 23, Block 1, PALM BEACH FARMS CO., PLAT NO. 9, Plat Book 27, Section 28, Township 43 South, Range 42 East; COMMENCING at the Northwest corner of said Parcel "B"; thence South $88^{\circ}19'45''$ East, along the north line of said Parcel "B", 200.00 feet to the POINT OF BEGINNING; thence continue South $88^{\circ}19'45''$ East 150.32 feet; thence South $00^{\circ}42'28''$ East, and parallel with the west line of Parcel "B", 240.00 feet; thence North $88^{\circ}19'45''$ West 350.32 feet to the said west line of Parcel "B"; thence North $00^{\circ}42'28''$ West along said west line, 40.00 feet; thence South $88^{\circ}19'45''$ East 200.00 feet; thence North $00^{\circ}42'28''$ West 200.00 feet to the POINT OF BEGINNING, and being located ON THE S SIDE OF OKEECHOBEE BLVD., APPROX. .03 MILE E OF SKEES RD., IN THE CG ZONING DISTRICT, was approved on January 3, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. All conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 18). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to April 7, 1992.

B. AUTO GASOLINE FACILITY AND TRUCK RENTAL SERVICE

1. A maximum of three rental trucks shall be stored on site.
2. No outdoor speaker or public address systems which are audible off-site shall be permitted.
3. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the gasoline station facility shall provide air and water for minor vehicle maintenance to the public at no charge.
4. If a car wash facility is installed on site, it shall use a 100% water recycling system.
5. No repair or maintenance of vehicles shall be permitted on site.

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 4,340 square feet.
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.
3. prior to site plan certification, the applicant shall amend the site plan to indicate the following:
 - a. The pump island located adjacent to the west property line shall be limited to the dispensing of diesel fuel only. Fuel shall be dispensed from the west side of the pump island only.
 - b. The east side of the diesel fuel pump island shall remain open at all times to provide adequate on-site circulation. No dispensing of fuel or stacking shall occur in this location.

- c. The loading space along the south property line shall be deleted from the site plan.
- d. Circulation on the east and south side of the building shall be indicated as one way, counter clockwise.
- e. All circulation shall be indicated on the site plan and on the pavement in appropriate locations and with above grade signs.
- f. Ingress and egress to the site from Okeechobee Boulevard and Skees Road shall be indicated on the pavement and with above grade signs at each location.
- g. The delineation of one-way circulation for the gasoline pump islands near the north property line, to be designed to facilitate on site circulation in this area of the project. Directional arrows shall be painted on the pavement adjacent to the service pumps. On site signage shall be provided that clearly indicates the one-way circulation pattern.
- h. The relocation of the dumpster site along the south property line.
- i. The relocation of the three rental truck storage spaces pursuant to the conditions stipulated under PARKING AND VEHICLE STORAGE.

D. DUMPSTER

- 1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

E. ENGINEERING

- 1. Unless previously paid, the Petitioner shall contribute Twelve Thousand Six Hundred Dollars (**\$12,600.00**) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). Previously Condition No. 1 of Resolution No. **R-81-886**, Petition No. **81-106**.
- 2. The Lake Worth Drainage District will require the North **41.00** feet of the subject parcel for the required right-of-way for Lateral Canal **No. 1**. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers. If the developer requests permission to enclose the canal in a **60"** culvert, no additional right-of-way will be required. Previously Condition No. 2 of Resolution No. **R-81-886**, Petition No. **81-106**.
- 3. Prior to May 1, 1992, 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 **\$1,375.00** (25 trips X **\$55.00** per trip).
- 4. There shall be no more than 3 rental vehicles parked on-site at any one time.

F. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide **potable** water.
4. The owner, occupant or tenant **of** the facility **shall** participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
5. No portion **of** this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter **10D-6**, F.A.C.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within **500** feet of the property, the petitioner shall connect **to** the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements to the maximum extent possible and all **landscape/vegetation preservation conditions of approval**.
2. All additional trees planted on site shall:
 - a. Be a minimum of fourteen (**14**) feet in height at installation.
 - b. Have a minimum diameter of three and one-half (**3.5**) inches measured at a point which is at least four and one-half (**4.5**) feet above existing grade level.
 - c. Have a minimum of five (**5**) feet of clear trunk and a minimum seven (**7**) foot canopy spread.
3. Prior to site plan certification, the applicant shall amend the site plan to indicate the following around the outside of the chain-link fence that encloses the propane tanks located near the north property line:
 - a. Thirty (**30**) inch tall hedge or shrub material planted twenty-four (**24**) inches on center at installation, to be maintained at a minimum height of forty-eight (**48**) inches.

I. LANDSCAPING REQUIREMENTS WITHIN THE PERIMETER LANDSCAPE STRIPS

1. Landscaping within all perimeter landscape strips shall be upgraded to include:
 - a. One fourteen (14) foot tall tree for each twenty (20) linear feet.
 - b. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

J. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner shall apply for, and make good faith efforts to obtain, permission from the Florida State Department of Transportation (FDOT) or the County Engineer to landscape the median of all abutting rights-of-way. This landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing or sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list.

Trees:

Turkey Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown, except sabal palms.
- b. Except for sabal palms, the bottom cushion of the planting area shall include a minimum four (4) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily irrigation responsibility (minimum 90 days from installation) and daily maintenance obligation (in perpetuity) of the property owner.

K. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.

L. PARKING AND VEHICLE STORAGE

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
2. Overnight storage or parking of truck rental vehicles shall not be permitted on site, except within the boundaries of the rental truck spaces designated on the revised site plan that will be submitted to the Site Plan Review Committee, as required by Condition No. A.3.
3. The three rental truck spaces shall be limited to the following locations on the revised site plan:
 - a. One located along the east property line, behind the front base building line, located in such a manner that it does not impede with on site circulation.
 - b. One located in the current loading space situated at the south property line. (Loading space to be deleted by Condition No. C.3.c).
 - c. One located at the current dumpster location situated near the south property line. (Dumpster location to be amended by Condition No. C.3.h).
4. No overnight parking or storage of trucks, trailers, or other vehicles, with the exception of a maximum of three (3) rental trucks at any one time, shall be permitted on-site.

M. RECYCLE SOLID WASTE

1. The property owner and/or lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

N. SIGNS

1. The total number of freestanding signs on site shall be limited to a total of two (2). No additional freestanding signs shall be allowed on site.
2. Any new or replaced freestanding point of purchase signs shall comply with the following:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - one (1) located on Okeechobee Boulevard and one (1) located on Lakes Road.

O. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously **granted** certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform **with** updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

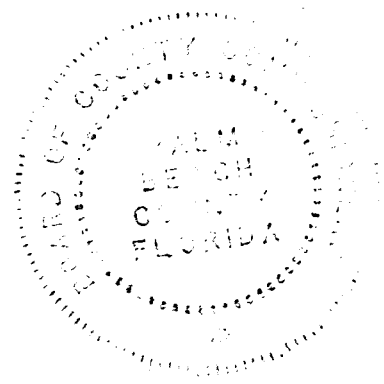
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK
Board of County Commissioners

By Joan Haverly
DEPUTY CLERK

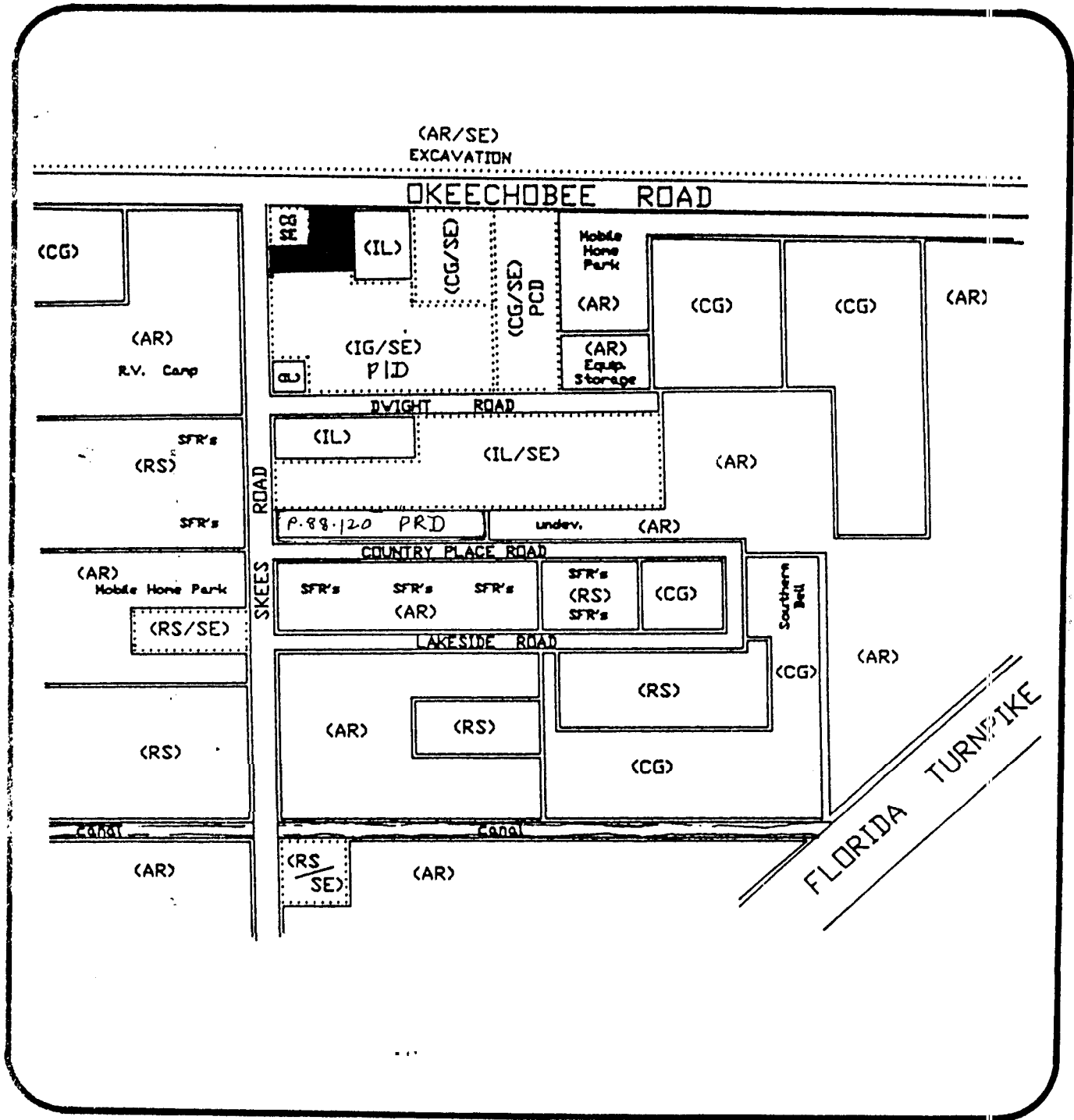
BY: *[Signature]*
COUNTY ATTORNEY

BY: _____
DEPUTY CLERK



Sec. 28 Twp. 43 Rng. 42
 Quadrant Sheet: 46
 Aerial Page: 156

Vicinity
 Sketch



Request:

A SPECIAL EXCEPTION to amend the site plan for a gasoline facility to include a vehicle (truck) rental service (Barney's Convenience Store).

PETITION NO: 81-106(A)

BCC DISTRICT: 6