

RESOLUTION NO. R- 87-1100

RESOLUTION APPROVING ZONING PETITION 87-14, Special Exception

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. 87-14 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 26, 1987 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, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be 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. 87-14, the petition of NICHOLS INVESTMENT CORPORATION, by Russell Scott, Agent, for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES AND A CURB WASH on the North 240 feet of the West 256 feet of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 in Section 13, Township 46 South, Range 42 East, LESS the North 40 feet thereof which was conveyed for public road Right-of-way purposes as appears in Deed Book 808, Page 62. The property is

located on the southeast corner of the intersection of Military Trail (SR 809) and Atlantic Avenue (SR 806) in a CG-General Commercial Zoning District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. Elimination of the westernmost access drive onto Atlantic Avenue when intersection improvements of Atlantic Avenue and Military Trail are constructed.
 - b. Elimination of the northernmost access drive onto Military Trail when intersection improvements of Military Trail and Atlantic Avenue are constructed.
2. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pre-treatment 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.
3. No building permit shall be issued for the subject property until the site is connected to a public sewer system.
4. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
5. Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on the property.
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-(1) one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
7. The property owner shall convey for the ultimate right-of-way of:
 - a. Military Trail, 76 feet from centerline.
 - b. West Atlantic Avenue, 64 feet from centerline.

within six (6) months of the approval of the Resolution approving this project or as may be required by the Board of County Commissioners. If the Board does not specifically permit for the use of this Right-of-way the petitioner shall remove and relocate the improvements therein and revise the site plan appropriately.

8. The property owner shall reconstruct the existing entrances onto Atlantic Avenue to a maximum 35 foot. All pavement removed shall be replaced with "solid sod", concurrent with onsite paving and drainage improvements.

9. 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 \$6,965.00 (260 trips X 926.79 per trip).
10. The car wash shall be a constantly attended facility and shall not be coin-operated.
11. Petitioner shall amend its site plan to indicate a Phase I and Phase II. Phase II shall consist of the proposed car wash facility. Petitioner shall receive no Building Permit for the car wash facility until contracts have been let for the construction of the proposed Military Trail/West Atlantic Avenue Intersection Improvements. Phase I of the project shall consist of all other areas of the site.
12. Prior to the issuance of a Building Permit, the petitioner shall remove the existing underground fuel tanks and related equipment in order to comply with Chapter 17-61 Florida Administrative Code and other appropriate law.

Commissioner Adams, moved for approval of the petition.

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

Carol Roberts	--	Aye
Karen T. Marcus	--	Nay
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye


The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of February 26, 1987.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY



 County Attorney