

RESOLUTION NO. R-88-1208

RESOLUTION APPROVING ZONING PETITION NO. 87-77  
SPECIAL EXCEPTION PETITION OF STEVEN M. RHODES

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. 87-77 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 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, 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. 87-77, the petition of STEVEN M. RHODES, for a SPECIAL EXCEPTION TO ALLOW AN AUTO SERVICE STATION on a parcel of land lying on the Northeast corner of Lot 1, Florida Gardens, Plat No. 1, as recorded in Plat Book 24, Page 20 in Section 28, Township 44 South, Range 42 East, said point being on the Southerly Right-of-Way line of Lake Worth Road, as now established, and being on the Westerly Right-of-Way line of Akron Road as now established, thence South, along the East boundary of said Lot 1 projected, 120 feet, thence West 130 feet to the Southerly projection of the Westerly boundary of said Lot 1, thence North along the Southerly projection of the Westerly boundary of said Lot 1, 120 feet to the Northwest corner of said Lot 1, said point being on the Southerly Right-of-Way line of Lake Worth Road as now established, thence East along the Northerly boundary of said Lot 1, and the Southerly Right-of-Way line of Lake Worth Road 330

feet to the Northeast corner of said Lot 1, and the Point of Beginning, subject to an easement of Lake Worth Drainage District over the Westerly 60 feet thereof, located on the southwest corner of the intersection of Lake Worth Road (SR 802) and Akron Road (79th Street South), 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 indicate the following:
  - a. An access dimension between 25 and 35 feet on Lake Worth Road, or variance relief must be obtained from the Board of Adjustment.
  - b. The six (6) foot wall along the south perimeter extending to the edge of the canal easement.
  - c. Redesign to allow preservation of at least four (4) mature slash pines along the south perimeter of the site, as indicated on the vegetation site plan submitted to the Zoning Division. The preserved trees shall be shown on the site plan.
  - d. Relocation of the handicap parking stall.
  - e. Delineation and number of gasoline pump dispensers.
  - f. Revised stacking lanes.
2. Security lighting shall be directed away from adjacent properties and streets, illuminating only the subject site.
3. There shall not be outside storage of disassembled vehicles or parts thereof.
4. Existing mature slash pines shall be preserved where they coincide with landscape strips on the site plan.
5. The existing sabal palm shall be preserved, or relocated if necessary, and incorporated into the project design.
6. The application and engineering plans, calculations etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of building permit for straight rezoning).
7. Since public water service is available to the property, a well shall not be approved for use on said

property.

8. Reasonable measures shall be employed during site development to ensure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. 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-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
10. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
11. The property owner shall convey for the ultimate right-of-way of:
  - a. Lake Worth Road, 60 feet from centerline
  - b. Akron Road, 40 feet from centerlinewithin ninety (90) days of the approval of the Resolution approving this project.
12. The property owner shall construct a left turn lane, south approach on Akron Road at Lake Worth Road concurrent with onsite paving and drainage improvements.
13. 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 \$20,039.00 (748 trips X \$26.79 per trip).
14. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$5,010.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$25,049.00 to be paid prior to the issuance of the first building

permit or prior to December 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$5,010.00 shall be credited toward the increased Fair Share Fee.

15. The County Engineer and the Florida Department of Transportation shall make the sole determination relative to access onto Lake Worth Road. Factors to be used in the determination shall include but not be limited to adequate site distance, in accordance with the Florida Department of Transportation "Green Book" standards and median locations.

16. No off-premises signs shall be permitted on site.

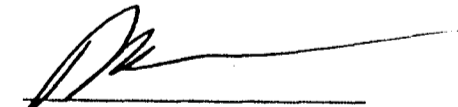
Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 1987

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
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COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
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DEPUTY CLERK

