

RESOLUTION NO. R-89- 330

RESOLUTION APPROVING ZONING PETITION NO. 76-193(A)
SPECIAL EXCEPTION PETITION OF STANDARD OIL COMPANY

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. 76-193(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 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. 76-193(A), the petition of STANDARD OIL COMPANY, David Felton, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A SELF-SERVICE GASOLINE STATION FACILITY PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-193 ON DECEMBER 30, 1976 (RESOLUTION NO. R-77-41 ADOPTED JANUARY 11, 1977), TO INCLUDE A CAR WASH on a parcel of land lying 291.00 feet East of the ultimate right-of-way of U.S. Highway No. 1 (State Road No. 5) and being the South 150.00 feet of Government Lot No. 4 in Section 30, Township 40 South, Range 43 East, being located on the southeast corner of the intersection of U.S. Highway No. 1, and Cove Road, in a CG-General Commercial Zoning District, was approved 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. Required landscaping between off-street parking areas and abutting properties, pursuant to Section 500.35 of the Zoning Code.
 - b. Required landscaping between off-street parking areas and right-of-way, pursuant to Section 500.35 of the Zoning Code.
 - c. Required number of trees.
 - d. To reconfigure the northern traffic island adjacent to the proposed car wash to provide a terminus that will define the abutting parallel parking stall.
3. The petitioner shall submit documentation verifying the abandonment of the 25 foot easement located along the eastern most property line or shall amend the survey to indicate all easements as set forth prior to site plan certification.
4. 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.
5. No outdoor loudspeaker system shall be permitted on site.
6. No vehicles except customer and employee parking shall be stored or displayed on the site.
7. No mechanical or body repair work shall be allowed on site.
8. There shall be no outside storage of disassembled vehicles or parts thereof.
9. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
10. The petitioner shall amend the tabular data to indicate the interior landscape requirements on the site plan that have been transferred to the perimeter of the lot.
11. 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).

12. Because water service is available to the property, a well shall not be approved for potable water use.
13. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.
14. Car wash facility shall have water recycling system. There shall be no connection of this system to the septic tank.
15. Detailed engineering plans and drawings of water recycling system for car wash facility shall be submitted to the Health Department prior to site plan certification.
16. 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.
17. 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 waster from the proposed site.
18. The property owner shall convey for the ultimate right-of-way of U. S. 1, sixty (60) feet from centerline within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
19. The Property Owner shall pay Fair Share Fee in the amount & manner required by Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$1,914.00 (72 trips X \$26.79 per trip).

20. Prior to site plan certification, petitioner shall present evidence that either:
- a) A request for voluntary annexation of the site has been on file with the City of Tequesta for at least sixty days; or
 - b) The City of Tequesta has declined to annex the site.

No final action shall be taken by the Site Plan Review Committee until the City of Tequesta is given an opportunity to comment on the site design. To the greatest extent legally possible, the comments of the City Council shall be included in the final site design revision.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Adams 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	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Susan Pulbert
COUNTY ATTORNEY

BY: June J. Hardy
DEPUTY CLERK

