

RESOLUTION NO. R-89-608

RESOLUTION APPROVING ZONING PETITION NO. 76-48(B)  
SPECIAL EXCEPTION PETITION OF UNIVERSITY OF MISSISSIPPI FOUNDATION

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. 76-48(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 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. 76-48(B), the petition of UNIVERSITY OF MISSISSIPPI FOUNDATION, by Fran Carlton, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A GASOLINE SERVICE STATION AND AN AUTOMOBILE SALES LOT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-48 ON MAY 27, 1976 (RESOLUTION NO. R-76-494, ADOPTED JUNE 8, 1976) TO 1) INCREASE THE TOTAL BUILDING SQUARE FOOTAGE, 2) RELOCATE THE GASOLINE PUMP ISLAND FACILITIES: AND 3) PERMIT A CAR WASH on a parcel of land lying on South 175.00 feet of the North 225.00 feet of the West 200 feet of the East 253.00 feet of the Northwest 1/4 of Section 25, Township 43 South, Range 42 East, located on the southwest corner of the intersection of Okeechobee Boulevard (S.R. 704) and Military Trail (S.R. 809), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following

conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Required number of trees.
  - b. Required stacking for the car wash from the southern entrance.
  - c. Required amount of parking stalls.
  - d. Required handicapped parking.
  - e. queuing shall be provided at the access point along the western property line to alert cars entering the site. This shall include a stop sign facing west and the installation of a pavement transition zone, (brick pavers, speed bumps or other acceptable method approved by the Zoning Division).
3. 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.
4. 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 .
5. The developer 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 \$8,400.00.
6. The property owner shall reserve for the Florida

Department of Transportation the ultimate right-of-way of Okeechobee Boulevard in accordance with the current Florida DOT construction plans. In addition, the property owner shall dedicate to Palm Beach County an additional 12 feet of right-of-way within 90 days of adoption of the resolution approving this petition. The conveyance to the County must be accepted by Palm Beach County prior to the issuance of the first building permit.

7. The property owner shall enter into a removal agreement with Palm Beach County for the removal of any structures within the area to be conveyed.
8. 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.
9. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
10. Since water service is available to the property, a potable water well shall not be approved for use on said property.
11. 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.
12. No off-premises signs shall be permitted on the site.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

*Barbara A. Stearns*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Jina M. Blair*  
DEPUTY CLERK

