

RESOLUTION NO. R-89-709

RESOLUTION APPROVING ZONING PETITION NO. 88-94  
SPECIAL EXCEPTION PETITION OF HENRY W. AND ANNA L. PRICE AND  
NICHOLAS SARANTIDIS

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. 88-94 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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 PAM BEACH COUNTY, FLORIDA, that Petition No. 88-94 the petition of HENRY W. AND ANNA L. PRICE AND NICHOLAS SARANTIDIS, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND A CAR WASH (IF APPROVED, THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR GASOLINE PUMP ISLAND FACILITIES AND A CAR WASH, PREVIOUSLY APPROVED UNDER ZONING PETITION, NO. 86-117) on a parcel of land lying at a portion of Tracts B, C and D, Block 65 of Palm Beach Farms Company, Plat No. 7 of Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5 at Page 72 being more particularly described as follows:

Commence at the intersection of the East line of said Section 30 with the Center Line of 6th Avenue South as shown on Palm Beach County Engineering Department Right-of-way Hap as recorded in Road Plat Book 4, Page 63; thence North 87 degrees 06' 48" West

along said centerline for 25.0 feet: thence South 02 degrees 09' 20" North 54.00 feet to the Point of Intersection of the South Right-of-way line of 6th Avenue South and the West Right-of-way line of Congress Avenue and the Point of Beginning of the following described parcel of land: thence continue South 02 degrees 08' 20" West Right-of-way line of Congress Avenue for 221.56 feet to a point on the North line of the South 3.5 feet of said Tract C; thence North 87 degrees 02' 47" West along said North line of the South 3.5 feet of Tract C for 107.40 feet: thence South 51 degrees 31' 13" West for 56.35 feet to a point on the South line of the North 33.79 feet of said Tract D; thence North 87 degrees 02' 47" West along said South line of the North 33.79 feet of said Tract D for 157.16 feet, to a point on the West line of Said Tract D, said point being 33.79 feet South of the Northwest corner of said Tract D: thence North 02 degrees 08' 35" East along the West lines of said Tracts B, C and D for 258.49 feet to a point on the South Right-of-way line of 6th Avenue South as per Right-of-way dedication shown in Title Commitment No. FAC 696696, by First American Title Company of Florida, Inc.: thence South 87 degrees 06 feet 48" East along said Right-of-way line of 6th Avenue South for 307.31 feet to the Point of Beginning, being located on the southwest corner of the intersection of Congress Avenue (SR 807) and Sixth Avenue South, in a CG-GENERAL COMMERCIAL Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The required perimeter landscape strip along the entire west property line.
  - b. The required perimeter landscape strip along the entire south property line.
  - c. Relocation of all non-landscape items out of required landscape areas.
2. The site plan shall be amended to indicate that the western 82 feet of the property is to remain undeveloped and shall be subject to future review by the Board of County Commissioners.
3. 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).
4. The car wash facility shall have a water recycling system. There shall be no connection of this system to the septic tank.
5. Detailed engineering plans and drawings of water recycling system for the car wash facility shall be submitted to the Health Department prior to site plan

approval.

6. Storage system must be designed, constructed and operated according to all F.A.C. Chapter 17-61 and RCRA Subtitle I requirements. Plans must be submitted to and approved by ERM.
7. Registration notification must be submitted to DER at least 10 days prior to the commencement of construction activities.
8. Written or verbal notification shall be provided to ERM at least 48 hours prior to tank installation.
9. The property owner shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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 area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
11. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Sixth Avenue South - 71.5 feet from centerline and Congress Avenue - 64 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
12. 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 \$38,176 (1425 trips X \$26.79 per trip). The funds shall be paid prior to site plan approval.

13. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus 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 A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

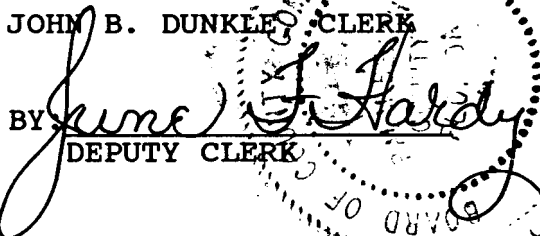
BY :

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY

  
DEPUTY CLERK

