

RESOLUTION NO. R-89- 728

RESOLUTION APPROVING ZONING PETITION NO. 88-7
SPECIAL EXCEPTION PETITION OF AUTO CARE ASSOCIATES I

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. 88-7 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 29, 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. 88-7 the petition of AUTO CARE ASSOCIATES I, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (TIRE STORE AND QUICK OIL CHANGE FACILITY) on a parcel of land lying on the East 230 feet of the South 100 feet of Tract 17; and the East 230 feet of that part of Tract 20, lying North of the North right of way line of State Road No. 80; and the East 230 feet of the abandoned 30 foot road right of way lying between Tracts 17 and 20, all in Block 8, The Palm Beach Farms Company Plat No. 3, in Section 31, Township 43 South', Range 42 East, in Plat Book 2, Pages 45-54, inclusive, ~~Less~~ the East 30 feet thereof, being located on the northwest corner of the intersection of Southern Boulevard (SR 80) and Sunshine Road, in an IL-Light Industrial 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) one (1) of three (3) alternative perimeter landscape strips adjacent to incompatible land uses.
 - b) relocation of the Jiffy Lube facility northward to accommodate safe site distance for the drive-through building.
2. Prior to site plan certification the petitioner shall pay the Vegetation Removal Fine pursuant to Section 500.36 of the Zoning Code.
 3. There shall be no outside storage of disassembled vehicles or parts thereof.
 4. Garage bay doors shall be oriented away from any properties zoned or used for residential purposes. In the event that this condition cannot be satisfied, the required landscaping along the perimeter which the garage bay doors face shall be upgraded by planting canopy trees a minimum of 12 feet in height, spaced a maximum of 20 feet apart (on center). Any other provisions required under Section 500.35.E.3 (Landscaping The Perimeter Of Lots) shall still apply.
 5. 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.
 6. The property owner shall convey to Palm Beach County the necessary road right-of-way warranty deed as required by the Palm Beach County Engineering Department for Southern Boulevard, free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. This right-of-way shall be a total of 120 feet of the existing south right-of-way for Southern Boulevard.
 7. 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 \$26.79 per trip).

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 the property.
10. Because water service is available to the property, a well shall not be approved for potable water use.
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. Signage shall be installed at the entrance of the project on Southern Boulevard and Sunshine Road indicating customer parking areas and employee service areas.
13. No off-premise signs shall be permitted on the site.
14. Prior to site plan certification, the petitioner shall execute an agreement protecting the two-hundred twenty (220) feet of ultimate right-of-way, and shall have such approved by the Board of County Commissioners.
15. 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 Watt and, upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

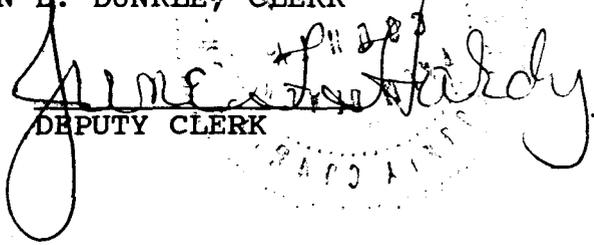
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK