

RESOLUTION NO. R-89- 729

RESOLUTION APPROVING ZONING PETITION NO. 88-45
SPECIAL EXCEPTION PETITION OF FORREST C. MOBLEY, JR. TRUSTEE

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. 88-45 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 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. 88-45 the petition of FORREST C. MOBLEY, JR. TRUSTEE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING; (1) AN AUTO SERVICE STATION (NO MAJOR REPAIRS); AND (2) A CAR WASH (AUTOMATIC) on a parcel of land lying on a portion of Lots 50, 51 and 52, of "Lake Osborne Subdivision", according to the plat thereof in Tract 39, Township 44 1/2 South, Range 43 East, as recorded in Plat Book 9 at Pages 42 and 43, being more particularly described as follows:

Commence at the Northeast corner of Tract "A", of "Seminole Manor Plat No. 1", according to the plat thereof, as recorded in Plat. Book 25 at Pages 164 thru 166; thence run South 88 degrees 00' 50 " East for 895.85 feet to a point; thence run South 01 degree 28' 44" West for 9.64 feet to the Point of Beginning of the Tract of land hereinafter described, said point lying on the South Right-of-Way line of Lantana Road , State Road No. 812; thence South 88

degrees 00' 56" East along the South Right-of-way line of Lantana Road aforementioned for 164.69 feet: thence run South 43 degrees 15' 57" East for 35.20 feet to an intersection with the West Right-of-way line of Congress Avenue: thence run South 01 degree 29' 03" West along sid Right-of-way line for 100.03 feet to a point: thence run South 88 degrees 00' 56" East for 10.00 feet to a point: thence run South 01 degree 29' 03" for 10.23 feet to a Point of Curve;thence run Southeasterly along a circular curve concave to the East having a radius of 1960.08 feet and a central angle of 01 degree 37' 04" for an arc distance of 55.34 feet to a point: thence, run North 88 degrees 00' 54" West for a distance of 200.76 feet to a point: thence, run North 01 degree 28' 44" East for 190.36 feet to the Point of Beginning, being located on the southwest corner of the intersection of Lantana Road (SR 812) and Congress Avenue (SR 807), 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. Required five (5) car stacking distance for all drive-up units. The stacking distances shall be characteristic of how traffic would ordinarily access the site:
 - b. Graphic depiction of the transfer of interior landscape square footage to the perimeter:
 - c. Required six-foot high continuous CBS wall along the western property line: and
 - d. Required perimeter landscape strips.
2. The site shall be redesigned to allow for adequate circulation on site.
3. Use of the site shall be limited to gasoline sales with an associated convenience store and a car wash.
4. There shall be no outdoor storage of vehicles or disassembled vehicle parts on site.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be permitted in landscape areas, right-of-way or interior drives.
6. 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.
7. No off-premise signs shall be permitted on the site.

Existing off-premise signs shall be removed prior to the issuance of a Certificate of Occupancy for the first structure built on site.

8. The developer 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.
9. 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.
10. Within 90 days of the amendment to the Thoroughfare Plan, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for:
 - a) Lantana Road, 71.5 feet from centerline
 - b) Congress Avenue, 64 feet from centerlineall free of 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.

11. 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 the proposed car wash addition presently is \$8,037.00 (300 trips X \$26.79 per trip).
12. 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).

13. The petitioner shall install minimum twelve (12) foot high native canopy trees within the Lantana Road and Congress Avenue property frontage.
14. 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.

Commissioner Elmquist 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	--	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 July 28, 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