

RESOLUTION NO. R-89- 744

RESOLUTION APPROVING ZONING PETITION NO. 86-43(B)
SPECIAL EXCEPTION PETITION OF CHEVRON U.S.A., INC.

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. 86-43(B) 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. 86-43(B) the petition of CHEVRON U.S.A., INC., by David J. Felton, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR JUPITER WEST PLANNED COMMERCIAL DEVELOPMENT, TO PERMIT A CAR WASH on a parcel of land lying on a portion of the Southwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of said Section 3, thence run South 89 degrees 24' 50" East, along the North line of the Southwest 1/4 of said Section 3, for a distance of 1,428.09 feet to a point, thence run South 01 degrees 37' 35" East for a distance of 47.47 feet to a point on the South Right-of-Way line of Indian Town Road (SR 706), thence continue South 01 degrees 37' 35" East for a distance of 50.00 feet to the Point of Beginning: thence continue South 01 degrees 37' 35" East for a distance of 137.00 feet to a point: thence run South 88 degrees

22' 25" West, along a line parallel with and 187.00 feet South of the South Right-of-way line of Indian Town Road, for a distance of 126.50 feet to a point; thence run North 01 degrees 37' 35" West for a distance of 137.00 feet to a point; thence run North 88 degrees 22' 25" East, along a line parallel with and 50.00 feet South of said South Right-of-way line, for a distance of 126.50 feet to the Point of Beginning, being located on the south side of Indiantown Road (SR 706), approximately .2 mile west of Central Boulevard, 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 certification, the site plan shall be amended to indicate the following:
 - a. The required stacking lines for the gasoline pumps and car wash;
 - b. The minimum twenty (20) foot dimension length for all parking stalls;
 - c. A total interior landscape requirement in the site tabular based on the number of parking spaces and the specialized vehicular use area; and
 - d. The appropriate signage to indicate traffic flow to and from the site at the main entrance drive and Indiantown Road.
3. No off-premise signs shall be permitted on the site.
4. No outdoor loudspeaker system shall be permitted on the site.
5. The petitioner shall redesign the site and/or reduce building square footage as appropriate to provide for the minimum stacking and circulation requirements.
6. Prior to certification of the site plan, an Affidavit of Notification of Restrictions, as required by the Wellfield Protection Ordinance, shall be executed.
7. The design of any gasoline storage tanks and piping installed after approval date shall be subject to the approval of the Department of Environment Resource Management.
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. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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.
12. 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.
13. 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.
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 Marcus 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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of Apr 11, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Robert Altman
COUNTY ATTORNEY

BY: James B. Hardy
DEPUTY CLERK