

RESOLUTION NO. R-89-910

RESOLUTION APPROVING ZONING PETITION NO. 80-103(D)  
SPECIAL EXCEPTION PETITION OF AUTO CARE CENTER OF AMERICA

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. 80-103(D), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 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. 80-103(D), the petition of AUTO CARE CENTER OF AMERICA, by Martin Heise, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCREASE BUILDING SQUARE FOOTAGE, on a parcel of land lying on Lot 6 Sandalfoot Plaza, recorded in Plat Book 48, pages 186 and 187, as in Section 30, 31, Township 47 South, Range 42 East, being located on the north east corner of the intersection of U.S. 441 (S.R. 7) and SW 19TH Street (Marina Boulevard), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. A clearly defined five (5) car stacking distance with by pass lane which does not conflict or interfere with other traffic utilizing the site;
  - b. Clearly labelled access dimensions;
  - c. Required perimeter landscape strips;
  - d. Required transfer of interior landscaping from specialized vehicular use areas to the perimeter of the site; and
  - e. A clear back up distance for all parking stalls.
3. The petitioner shall relocate all parking stalls which conflict with:
    - a. Traffic entering the site at the northeast corner; and
    - b. Traffic exiting to the one-way drive in a easterly direction.
  4. The site shall be redesigned and building square footage reduced as necessary to accommodate the minimum requirement of the Zoning Code and Condition Nos. 2 and 3 above.
  5. 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. 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. 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 S.W. 19th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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.
  7. 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.

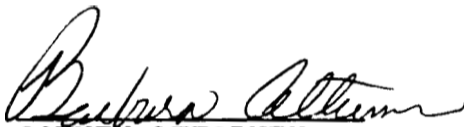
8. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed 6,420 square feet addition presently is \$7,903.00 (295 trips X \$26.79 per trip).
9. 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.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. The petitioner shall relocate the dumpster to an alternative location that allows for the realignment of the west to east one-way drive around the stacking area.
13. No retail sales shall be allowed on site, except ancillary to the proposed auto service uses.
14. No off-premise signs shall be permitted on the site.
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 violation of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of June 23, 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

