

RESOLUTION NO. R-89-1042

RESOLUTION APPROVING ZONING PETITION NO. 88-82
SPECIAL EXCEPTION PETITION OF MATTHEW W. FERGAN

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. 88-82 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 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. 88-82 the petition of MATTHEW W. FERGAN, by David J. Felton, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING: AN AUTO SERVICE STATION (NO MAJOR REPAIRS) on a parcel of land lying on a portion of Tract 16, Block 8, of Palm Beach Farms Company, Plat No. 3 in Section 31, Township 43 South, Range 42 East as recorded in Plat Book 2, Pages 45 through 54, being more particularly described as follows:

Begin at the Point of Intersection of the Easterly Right-of-way line of State Road No. 7 with the Northerly Right-of-way line of State Road No. 80 (said Northerly Right-of-way line lying 72.00 feet North of the North line of that certain Right-of-way recorded in O.R. Book 1017, Page 159); thence North 1 degree 34' 02" East along said Easterly Right-of-way line for a distance of 178.00 feet; thence South 88 degrees 37' 42" East parallel with said Northerly Right-of-way line for a distance of 175.00 feet; thence South 1 degree 34' 02" West for a distance of 178.00 feet; thence North 88 degrees 37' 42" West along said Northerly Right-

of-Way line for a distance of 175.00 feet to the Point of Beginning, being located on the northeast corner of the intersection of State Road 7 (US 441) and Southern Boulevard (SR 80), 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 five (5) car stacking distances for all drive-up units. The stacking distances shall be characteristic of how traffic would ordinarily access each drive-up unit;
 - (b) The required perimeter landscape buffers to be shown;
 - (c) The required perimeter landscape trees and hedge;
 - (d) Graphic depiction of the transfer of all interior landscape square footage to perimeter: and
 - (e) Relocate the handicap space to an area adjacent to the convenience store.
2. All proposed structures shall meet the required setbacks.
3. The site plan shall be redesigned to allow for the reduction of the number of pump islands and the elimination of the car wash. The intensity of this use shall be reduced to accommodate the required stacking distances for each gasoline pump island and circulation, Section 500.17.L. (Stacking) and an upgrade in landscaping to meet Code requirements of Section 500.35. (Landscape Code).
4. The stacking lanes shall be designed so as not to interfere with the back-up distance of required parking stalls, pedestrians or other traffic utilizing the site.
5. Use of the site shall be limited to gasoline sales, with an associated 920 square foot convenience store, and a maximum of four (4) gasoline dispensers.
6. There shall be no outdoor storage of vehicles or disassembled vehicle parts on-site.
7. 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, rights-of-way, or interior drives.
8. 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.

9. No off-premise signs shall be permitted on-site.
10. Once the right-of-way is conveyed for Southern Boulevard and at such time construction for Southern Boulevard commences, the **use of** the site shall cease and all improvements shall be removed.
11. 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.
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. 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.
15. 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.
16. The property owner shall reserve for future dedication:
 - a. Southern Boulevard, **220** feet north of the existing south right-of-way line of Southern Boulevard; and
 - b. State Road **7**, a total of **160** feet right-of-way on an alignment approved by the County Engineer

All 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.

Prior to site plan certification, petitioner shall execute the agreement received and filed at the September 23, 1988 Board of County Commissioners (Zoning Authority) hearing regarding the ultimate 220 feet of right-of-way.

17. 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 \$14,868.00 (555 trips X \$26.79 per trip).
18. In addition the petitioner shall contribute the amount of \$2,231.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$2,231.00 shall be paid prior to the issuance of the first building permit.
19. 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.

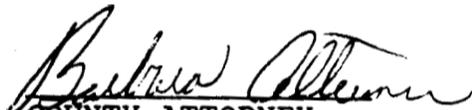
Commissioner Watt moved for approval of the petition. The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 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

