

RESOLUTION NO. R- 89-1044

RESOLUTION APPROVING ZONING PETITION NO. 88-111  
SPECIAL EXCEPTION PETITION OF MOBIL OIL CORPORATION

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. 88-111 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 26, 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. 88-111 the petition of MOBIL OIL CORPORATION, by Neil Crilly, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTOMOBILE SERVICE STATION (NO MAJOR REPAIRS) on a parcel of land lying on a portion of Tract 1 in Block 4 of "Palm Beach Plantations Plat No. 1", lying in Section 6, Township 44 South, Range 43 East, according to the Plat thereof recorded in Plat Book 10 at Page 20, being more particularly described as follows:

Commence at the Southeast corner of said Section 6, thence run North 03 degrees 07' 00" East along the East line of said Section 6 for a distance of 1575.74 feet (1560.54 feet by deed) to the Point of Intersection with the South Right-of-way line of Summit Boulevard (80 foot Right-of-way) extended Westerly, thence run North 87 degrees 59' 40 " West along said Southerly Right-of-way line for a distance of 217.01 feet to a point, thence run South 03 degrees 07' 00" West for a distance of 10.00 feet to a Point of Intersection with the new South Right-of-way line of Summit Boulevard, said point also being the Point of Beginning: thence continue South 03 degrees 07' 00" West for a distance of 190.00

feet to a point, thence run South 87 degrees 59' 40" East for a distance of 150.00 feet to the Point of Intersection with the West Right-of-Way line of Congress Avenue (100 foot Right-of-Way), thence run North 03 degrees 07' 00" East along said West Right-of-Way line for a distance of 157.38 feet to a point, thence run North 41 degrees 46' 21" West for a distance of 45.17 feet to the Point of Intersection with the said new South Right-of-Way line of Summit Boulevard, thence run North 87 degrees 59' 40" West along said South Right-of-Way line for a distance of 118.12 feet to the Point of Beginning, being located on the southwest corner of the intersection of Summit Boulevard and Congress Avenue (SR 807), in a CN-Neighborhood Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Review Certification, the petitioner shall redesign the site to provide for clear ingress, egress and circulation within the site by:
  - a. Shifting the entire canopy, pump and kiosk structure to the southwest or relocate the northern most pump island south of the southern pump: and
  - b. Relocating the required transfer of interior landscaping to the eastern and northern property lines.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Required canopy trees thirty (30) feet on center;
  - b. Required setbacks for all structures;
  - c. Graphic depiction and revised site plan tabular indicating the transfer of all interior landscape square footage to the perimeter: and
  - d. Required stacking distance for all drive-up units.
3. The stacking lanes shall be designed so as not to interfere with the backup distances of required parking stalls and other traffic utilizing the site.
4. Use of the site shall be limited to gasoline sales with an associated 924 square foot convenience store.
5. There shall be no outdoor storage of vehicles or disassembled vehicle parts on-site.
6. 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.
7. 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.

8. No off-premise signs shall be permitted on site.
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 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.
13. 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.
14. 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:
  - a) Summit Boulevard, 60.5 feet from centerline; and
  - b) Congress Avenue, 64 feet from centerline.

Both roads shall be 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.

15. 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 \$31,023.00 (1,158 trips X \$26.79 per trip).
16. The site shall be landscaped at a minimum as indicated on Exhibit No. 21, sheet 2 of 2.
17. 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 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	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 26, 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