

RESOLUTION NO. R-89-1045

RESOLUTION APPROVING ZONING PETITION NO. 85-122(A)
SPECIAL EXCEPTION PETITION OF RPM PARTNERS

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. 85-122(A) 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. 85-122(A) the petition of RPM PARTNERS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO PERMIT AN AUTO SERVICE STATION, on a parcel of land lying on the Northwest corner of Section 9, Township 45 South, Range 43 East; thence South 88 degrees 53' 16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the Right-of-way map of SR 9 (1-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 200.2 feet: thence South 02 degrees 15' 15" West along a line that is 200.16 feet East of (as measured at tight angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning; thence continuing South 02 degrees 15' 15" West, 137.00 feet; thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet: thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 137.00 feet to the Southerly Right-of-way line of Hypoluxo Road; thence North 88

degrees 53' 16" West along said Southerly Right-of-way line, 75.00 feet to the Point of Beginning.

Together with the following described parcel:

Commencing at the Northwest corner of Section 9, Township 45 South, Range 43 East; thence South 88 degrees 53' 16" East along the North line of Section 9, said line also being the centerline of Hypoluxo Road as shown on the Right-of-way map of SR 9 (1-95), Section 93220-2412, and all bearings stated herein are relative to said Right-of-way map, 275.2 feet: thence South 02 degrees 15' 15" West along a line that is 275.15 feet East of (as measured at right angles) and parallel with the West line of said Section 9, said West line also being the centerline of High Ridge Road, 53.01 feet to the Point of Beginning: thence continuing South 02 degrees 15' 15" West, 137.00 feet: thence South 88 degrees 53' 16" East, parallel with the North line of said Section 9, 75.00 feet: thence North 02 degrees 15' 15" East, parallel with the West line of said Section 9, 134.95 feet to the Southerly Right-of-Way line of Hypoluxo Road: thence North 81 degrees 51' 25" West along said Right-of-way line, 16.75 feet to a point on the Southerly Right-of-way line of Hypoluxo Road, said line being 53.00 feet South of (as measured at right angles) and parallel with the North line of said Section 9; thence North 88 degrees 53' 16" West continuing along said Right-of-way line, 58.33 feet to the Point of Beginning.

Portions of above described parcels also being described in deeds recorded in the Official Records Book, No. 836, Page 610, and Official Records Book No. 979, Page 298, being located on the south side of Hypoluxo Road, approximately 150 feet east of High Ridge Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. 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. Individual gasoline drive-up units within each island. Required five (5) car stacking distance for all drive-up units. The stacking distances shall be characteristic of how traffic would ordinarily access each drive up unit.
 - b. Graphic depiction of the transfer of all interior landscape square footage to the perimeter.
 - c. Native canopy trees a minimum of ten (10) to twelve (12) feet high, spaced an equivalent distance of thirty (30) feet on center.
3. The site shall be redesigned to allow 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 backup distances **of** required parking stalls or other traffic utilizing the site.
5. Use of the site shall be limited to gasoline sales with an associated **820** square foot convenience store supporting a maximum of four **(4)** gasoline pump island 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. 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).
11. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. Car wash facility shall have a water recycling system. There shall be no connection **of** this system to the septic tank.
13. Detailed engineering plans and drawings **of** water recycling system for the car wash facility shall be submitted to the Health Department prior to site plan approval.
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. 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 Hypoluxo Road, 54 feet from centerline 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.
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 \$23,736.00.
18. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued until construction for Hypoluxo Road has begun as a minimum 4 lane section from 1-95 to Congress Avenue.
19. The maximum height of on premise signage shall be twenty-five (25) feet.
20. The petitioner agrees to contribute its pro-rata share of the cost of sewer line construction to the site at the time a line is constructed to serve adjacent properties.
21. The underground storage tanks shall be subject to monitoring wells to assure drinking water quality on adjacent properties. These monitoring wells shall be approved by the Health Department. Copies of the monitoring well plan shall be provided to adjacent property owners for comment prior to approval by the Health Department.
22. 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