

RESOLUTION NO. R-89-1056

RESOLUTION APPROVING ZONING PETITION NO. 76-115(A)  
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. 76-115(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 76-115(A) the petition of MOBIL OIL CORPORATION, by Neil Crilly, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A SELF SERVICE GASOLINE STATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-115 TO: 1) PERMIT AN AUTO SERVICE STATION (QUICK OIL CHANGE FACILITY); AND 2) DELETE THE SELF SERVICE GASOLINE STATION on a parcel of land lying on a portion of Lots 1 and 3, "Rivard Subdivision" according to the Plat thereof recorded in Plat Book 21, page 12, Section 17, Township 42 South, Range 43 East, more particularly described as follows:

Commence at the Northwest corner of Lot 1, "Rivard Subdivision" according to the Plat thereof recorded in Plat Book 21 at Page 12 and run on an assumed bearing of South 88 degrees 22' 51" East along the North line of said Lot 1 for a distance of 23.80 feet to the Point of Beginning; thence, continue South 88 degrees 22'

51 East along said North line of Lot 1 for a distance of 146.26 feet to the Northeast corner of said Lot 1 "Rivard Subdivision". Said point also being on the West line of Lot 3 "Rivard Subdivision"; thence, run South 01 degrees 12' 43" West along said West line of said Lot 3 for a distance of 0.16 feet; thence, run South 88 degrees 24' 03" East along a line parallel with and 154.00 North of as measured at right angles to the South line of said Lot 3, for a distance of 109.82 feet to a point on the East line of said Lot 3; thence, run South 01 degree 06' 57" West along the East line of said Lot 3, for a distance of 109.00 feet to a point on the existing North Right-of-way line of Northlake Boulevard (State Road 809); thence, run North 88 degrees 24' 03" West along said North Right-of-way line of Northlake Boulevard being a line parallel with and 45.00 feet North of as measured at right angles to the South line of said Lot 3 for a distance of 185.39 feet; thence run North 54 degrees 35' 27" West for 44.27 feet; thence run North 20 degrees 46' 51" West along the East Right-of-way of State Road Alternate A-1-a said East Right-of-way line being a line parallel with and 22.00 feet East of as measured at right angles to the Westerly line of said Lot 1, Rivard Subdivision, for a distance of 91.46 feet to the Point of Beginning, being located on the northeast corner of the intersection of North lake Boulevard (SR 809A) and Alternate A1A (SR 811), 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. Required setbacks for all structures:
  - b. Required landscape strips abutting rights-of-way:
  - c. Required masonry wall to the north where the subject site abuts residentially zoned property;
  - d. Relocation of all proposed signs out of required landscape strips:
  - e. Graphic depiction and revised site plan tabular indicating the transfer of all interior landscape square footage to the perimeter: and
  - f. Required canopy trees thirty (30) feet on center along the perimeter of the site.
  - g. Relocation of the dumpster away from the north property line.
  - h. Required parking
  - i. Install a six (6) foot fence around the dumpster

- j. Remove the proposed sign out of the required landscape strip along Northlake Boulevard.
2. Use of the site shall be limited to a quick oil change facility supporting 1,963 of total floor area.
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. There shall be no outdoor storage of vehicles or disassembled vehicle parts on-site.
5. 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.
6. 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.
7. The petitioner shall install ten (10) to twelve (12) foot high native canopy trees spaced a maximum of twenty (20) feet on center along the northern property line.
8. No off premises 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 State Road 1A, 60.5 feet from centerline, 71 1/2 feet from centerline for Northlake Boulevard 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 \$3,590.00 (134 trips X \$26.79 per trip).
16. Affidavit of notification of Wellfield Protection Ordinance restrictions shall be executed prior to approval. An analysis of development plans shall also be conducted by the petitioner indicating:
  - a. Locations and types of businesses proposed.
  - b. Wellfield Zones.
  - c. Measures to be utilized to comply with Wellfield Protection Ordinance.
17. There is the potential for restricted materials to be stored on site including petroleum products and solvents. An Affidavit of Notification should be executed and the petitioner should perform all necessary preventative measures to reduce the chances of contamination of the wellfield. It is recommended

that double walled tanks and piping be included as part of those measures.

18. The petitioner shall install twelve (12) foot high native canopy trees, twenty-five (25) feet on center, supplemented with a thirty-six (36) inch high solid hedge along Northlake Boulevard and State Road 1A.
19. Failure to comply with any conditions of approval 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 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	--	Nay
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 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