

RESOLUTION NO. R-89-1169

RESOLUTION APPROVING ZONING PETITION NO. 88-137
SPECIAL EXCEPTION PETITION OF HARVEY T. HALL, JR.

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. 88-137 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 30, 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. 88-137 the petition of HARVEY T. HALL, JR., by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (NO MAJOR REPAIRS), on a parcel of land lying on a portion of Parcel "A" and all of Parcel "B", of "BOUNDARY PLAT", according to the plat thereof as recorded in Plat Book 28 at Page 227 and 228. ~~Less~~ a certain parcel of land for road Right-of-way purposes in Section 12, Township 44 South, Range 42 East, being more particularly described as follows:

All of that portion of Parcel "B" according to the BOUNDARY PLAT as recorded in Plat Book 28, Pages 227 and 228, lying Northerly of the ~~proposed~~ Southerly Right-of-way line of Forest Hill Boulevard, as shown on the Right-of-way Map thereof as recorded in Road Plat Book 5 at Pages 192 through 200, being more particularly described as follows:

Commence at the Northwest Corner of said Parcel "B"; thence South 01 degrees 13' 58" East along the West line of said Parcel "B" for 7.00 feet to a Point of Beginning, said point being on the

South Right-of-way line of Forest Hill Boulevard as shown on said Right-of-way Map thereof; thence South 88 degrees 46' 02" East along said Right-of-way line for 123.78 feet; thence South 45 degrees 08' 11" East for 38.64 feet to a point on the East line of said Parcel "B" and the West Right-of-way line of Military Trail; thence South 01 degrees 30' 20" East along said Right-of-Way line of Military Trail and the East line of said Parcels "A" and "B" for 116.47 feet; thence North 88 degrees 46' 02" West along a line parallel with and 3.00 feet South of the common line of Parcels "A" and "B" for 157.31 feet; thence North 01 degrees 13' 58" East along the West line and its Southerly prolongation line of said Parcel "B" for 143.00 feet to the Point of Beginning, being located on the southwest corner of the intersection of Forest Hill Boulevard and Military Trail (SR 809), 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. Label the canopy for the proposed structure.

2. The landscape material shall be planted along the inside edge of the required landscape strips abutting Forest Hill Boulevard and Military Trail.

At a minimum, the landscaping shall be installed as shown on Exhibit Number 18. Trees shall be native canopy trees a minimum fifteen (15) feet in height, planted at twenty (20) feet on center.

3. Concurrent with the taking of the right-of-way reservation along Forest Hill Boulevard and Military Trail, the petitioner shall establish a minimum eight (8) foot landscape strip supplemented with a hedge twenty-four (24) inches in height, spaced two (2) feet on center and native fifteen (15) foot canopy trees planted twenty (20) feet on center along Military Trail and Forest Hill Boulevard.
4. No off-premise signs shall be permitted on the site.
5. No outdoor loudspeakers system shall be permitted on site.
6. The site shall be limited to a 733 square foot convenience store, four (4) self-service pumps and one (1) service pump.
7. The petitioner shall submit **two** (2) copies of properly executed **cross-access** documents to the Zoning Division simultaneously with Site Plan Review Committee submittal. The cross-access documents shall be subject to the approval by the County Attorney.
8. 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.

9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. The petitioner 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.
12. The petitioner 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.
13. The petitioner shall, within 90 days of approval execute an agreement for deed in recordable form agreeing to convey when needed and upon request by the County Engineer.
 - a) Military Trail, 64 feet from centerline
 - b) Forest Hill Boulevard, 76 feet from centerlinefree 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.
14. The petitioner 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 present

Fair Share for this project based upon the number of approved trips is \$28,746.00 (1,073 trips X \$26.79 per trip).

15. In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued until construction has begun for Forest Hill Boulevard from Jog Road to Military Trail as a 4 lane section, plus the appropriate paved tapers.
16. 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 Howard moved for approval of the petition. The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 30, 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

