

RESOLUTION NO. R-89-1232

RESOLUTION APPROVING ZONING PETITION NO. 88-95
SPECIAL EXCEPTION PETITION OF THOMAS F. GUSTAFSON,
PATRICIA A. GUSTAFSON, JOHN J. BARR AND PATRICIA GUSTAFSON BARR

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. 88-95 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 27, 1989; 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. 88-95 the petition of THOMAS F. GUSTAFSON, PATRICIA A. GUSTAFSON, JOHN J. BARR AND PATRICIA GUSTAFSON BARR, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (NO MAJOR REPAIRS) on:

Parcel A

The East 200.00 feet of the West 240.00 feet of the South 264.00 feet of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East. Less the following described parcel:

Commence at the Southwest corner of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 18; thence, East (assumed) along the South line thereof, 40.11 feet to a line 40.00 feet East of and parallel with the West line of said Section 18 and the Point of Beginning; thence continue East, along said South line, 200.54 feet to a line 240.00 feet East of

and parallel with the said West line of Section 18; thence, North 04 degrees 13' 17" East, along said parallel line, 70.19 feet to a line 70.00 feet North of and parallel with the said South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of section 18; thence, West along said parallel line, 173.63 feet: thence, North 42 degrees 53' 22" West, 36.63 feet to the said line 40.00 feet East of and parallel with the West line of Section 18; thence, South 04 degrees 13' 17" West, along said parallel line, 97.10 feet to the said Point of Beginning.

Parcel B

The East 26.00 feet of the West 266.00 feet of the North 194.00 feet of the South 264.00 feet of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 45 South, Range 43 East, being located on the northeast corner of the intersection of Lawrence Road and Terrywood Drive, in a CN-Neighborhood 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 perimeter landscape strips along the north property line:
 - b. Required landscape strips which shall include one (1) tree for each thirty (30) lineal feet of abutting right-of-way:
 - c. Graphic depiction of the transfer of all interior landscape square footage to the perimeter: and
 - d. Required 100 foot stacking distance for each pump island.
2. Use of the site shall be limited to gasoline sales (maximum of 2 pump islands) with an associated convenience store, with a maximum of 2,400 square feet. No other uses, buildings and/or structures, shall be permitted.
3. There shall be no outdoor storage of vehicles or disassembled vehicle parts on-site.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is permitted in landscape areas, rights-of-way, or interior drives.
5. Outdoor lighting, including security lighting, used to illuminate the premises shall be low intensity and shielded away from adjacent properties and streets, shining only on the subject site.
6. Off-premise signs shall not be permitted on-site.

7. Operating hours for the convenience store and gasoline sales including deliveries, loading, trash pick up or any other service required or provided shall be from 6:00 a.m. to 11:00 p.m.
8. Lighting to illuminate the premises and advertising shall be extinguished no later than 11:00 p.m.
9. If the six (6) foot high masonry wall located on the residential property to the east is removed, the owner of this CN-Neighborhood Commercial zoned parcel shall construct, within ninety (90) days, the required six (6) foot solid masonry wall on the subject property.
10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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.
14. 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.
15. The property owner shall extend the proposed left turn lane on Lawrence Road at Terrywood Drive a minimum of 100 feet north of the project's entrance road on Lawrence Road concurrent with onsite paving and

drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.

16. 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, based upon the number of approved trips, is \$67,055 (2,503 trips X \$26.79 per trip).
17. Prior to site plan certification the petitioner shall submit a copy of the executed unity of title that binds the subject site to the western 26 feet of the parcel which is zoned RM-Residential Multifamily. The 26 feet shall be kept in perpetuity as a landscape buffer satisfying the requirement of section 500.35 (landscape code), perimeter landscape buffer alternative number one.
18. 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.
19. 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.
20. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
21. Advertising on site shall not include animal figurines.
22. Signage located on site, exclusive of wall mounted

signage shall be monument type signage not exceeding four (4) feet in height and six (6) feet in width.

23. All graphics submitted at the public hearings shall be submitted to the Zoning Division prior to submittal for Site Plan certification. The architecture color scheme and general appearance of the structures on site shall be consistent with the graphics submitted at the public hearings. At a minimum, landscaping shall be installed as indicated on the graphics shown at the public hearings.
24. No vending machines or public telephones shall be permitted outside of the facility.

Commissioner Roberts 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 J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Carol Roberts | -- | Aye |
| Ron Howard | -- | Nay |
| Carole Phillips | -- | Nay |

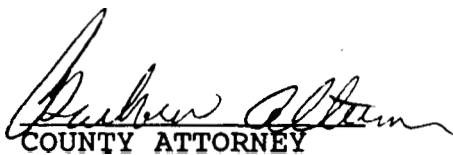
The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 27, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK