

RESOLUTION NO. R-89-1620

RESOLUTION APPROVING ZONING PETITION NO. 76-5(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 have been satisfied; and

WHEREAS, Petition No. 76-5(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 76-5(A) the petition of MOBIL OIL CORPORATION, by Sharon L. Emelock, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN AUTO SERVICE STATION TO REDESIGN THE SITE (PETITION NO. 76-5) on a parcel of land lying on a portion of the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 45 South, Range 43 East, being more particularly described as follows: Commence at the North 1/4 corner of said Section 9; thence run South 02 degrees 29' 29" West a distance of 53.02 feet to a point; thence run North 88 degrees 53' 16" West parallel with and 53.00 feet South of the North line of the Northwest 1/4 of said Section 9, for a distance of 65.62 feet to the Point of Beginning; thence continue North 88 degrees 53' 16" West for a distance of 124.39 feet to a point; thence run South 02 degrees 29' 29" West along a line parallel with the East line of the Northwest 1/4 of said Section 9, for a distance of 137.00 feet to a point, thence run South 88 degrees 53' 16" East along a line parallel with the North line of the Northwest 1/4 of said Section 9 for a distance of 150.00 feet to a point; thence run North 02 degrees 29' 29" East along a line parallel with and 40.00 feet West of the East line of the Northwest 1/4 of said Section 9 for a distance of 111.39 feet to a point: thence run North 43 degrees 11' 54" West for a distance of 35.78 feet to the Point of Beginning, being located at the southwest corner

of the intersection of Hypoluxo Road and Seacrest Boulevard (Lincoln Road), in a CG-General Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate:
 - a. The relocation of signage along the north and east property lines out of required landscape strips:
 - b. Minimum required interior landscape area of 1,186 square feet: and,
 - c. The required side corner setback of twenty-five (25) feet.
3. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, or similar objects, gimmicks, or advertising designed to attract the public's attention off-site shall be displayed outdoors, upon any buildings, vehicle or wall, other than inside a window as may be permitted by the Sign Code.
4. Prior to Site Plan Review Submittal, a cross-access agreement shall be recorded between the petitioner and the shopping center to the south to permit cross-access between the parcels.
5. 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.
6. No off premise signs shall be permitted on site.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
10. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
11. The following conditions are deemed necessary due to the presence of soil and groundwater contamination at this site:

- a. Prior to site plan certification, the petitioner shall submit an assessment report summarizing the extent of soils and groundwater contamination to the Department of Environmental Resource Management;
 - b. All petroleum contaminated soils within the limits of the proposed site shall be completely removed and properly disposed of and the area shall be backfilled with clean, non-deleterious material;
 - c. A detailed closure plan shall be submitted to and approved by Environmental Resources Management prior to underground tank removal;
 - d. Prior to issuing a building permit, a specific work plan describing storage tank installation shall be submitted to Environmental Resource Management Department for approval. This plan shall address removal and disposal of contaminated soil, removal of free product encountered during excavation, and treatment and discharge of any water pumped during the installation process; and,
 - e. Access to all areas determined to be contaminated by petroleum products shall be provided to the State of Florida Department of Environmental Regulation or authorized representatives, for the purposes of further assessment and remediation of the petroleum discharge.
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 drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
14. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Hypoluxo Road, 54 feet from centerline free of all encumbrances and encroachments. Property owner 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 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 Fair Share Fee for this project presently is \$13,127.00 (490 trips X \$26.79 per trip).
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.
17. Condition No. 2 of Petition No. 76-5 and Resolution No. R-76-118 is hereby deleted in its entirety.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Allerton*
COUNTY ATTORNEY

BY: *Annal. Williams*
DEPUTY CLERK