

RESOLUTION NO. R-90-369

RESOLUTION APPROVING ZONING PETITION NO. 89-91  
SPECIAL EXCEPTION PETITION OF B.S.B. ASSOCIATES

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. 89-91 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 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. 89-91 the petition of B.S.B. ASSOCIATES, by David J. Felton, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND (2) A CAR WASH, on a parcel of land known as Parcel VIII: "Del Mar Plaza Sub-Division No.1, according to the plat thereof, as recorded in plat Book 41, Pages 108-110 of the Public Records of Palm Beach County, Florida. Said lands lying in Palm Beach County, Florida. Existing catch Basin lying 238' East of centerline, Del Prado Circle South, & 100' South of the North right-of-way of Palmetto Park Road; The subject property is located at the Northwest corner of the intersection of Palmetto Park Road and Beracassa Way, on the North side of Palmetto Park Road Street, in the CG-General Commercial Zoning District, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee Submittal, the site plan shall satisfy all minimum property development regulations and land development requirements.
2. Prior to Site Plan Review Committee Submittal, the petitioner shall submit:

- a. An executed cross-access agreement with the property owner to the north;
  - b. Provide Utility Release Agreements to allow landscaping in easements or plant the materials outside of the easement; and,
  - c. Provide one-hundred (100) feet of stacking which does not interfere with other vehicles using the site.
3. All lighting shall be low intensity, shielded and directed away from surrounding properties and rights-of-way.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan.
5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the facility.
6. Off-premise signs shall not be permitted on the site.
7. 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.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
11. 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.
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. Prior to issuance of a drainage permit, a release from the drainage easement holders shall be required subject to approval by the County Attorney.
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.
16. In addition the Developer shall contribute the amount of \$5,856.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds including the Fair Share Fee shall be paid prior to the issuance of the first Building Permit.
17. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$5,856.00 shall be credited toward the increased Fair Share Fee.
18. Fuel deliveries shall be restricted to the hours of 12:00 a.m. to 5:00 a.m.
19. Parking along the west property line shall be signed for employees only.
20. The petitioner shall upgrade perimeter landscaping to include:
  - A. 12 Foot native canopy trees 20 feet on center along the west, south and east right-of-way.
  - B. Native palms an average of 20 feet on center.
  - C. 36 inch hedge along the north, west, south and east to be maintained at 60 inches along the north and west property line.
  - D. Trees shall be maintained at a minimum height of 15 feet.
21. The site shall include facilities for automotive air and water which are offered at no charge to the public.
22. 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 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
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of Februray, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Atten*  
COUNTY ATTORNEY

BY: *June J. McLean*  
DEPUTY CLERK

