

RESOLUTION NO. R-90-857

RESOLUTION APPROVING ZONING PETITION NO. 89-131
SPECIAL EXCEPTION PETITION OF JOHN TOLLINER
BY KIERAN J. KILDAY, AGENT

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. 89-131 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 89-131, the petition of JOHN TOLLINER BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO PERMIT (1) A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING (2) AN AUTO SERVICE STATION (NO REPAIRS), AND (3) A CAR WASH on a parcel of land lying in Lot 7, Block 1, Palm Beach Ranches, the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 45 South, Range 42 East, except the North 56.00 feet and the West 40.00 feet for road and canal purposes, and being located on the Southeast corner of the intersection of Hypoluxo Road and Jog Road in a CG-General Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate:
 - a. The native species, such as, slash pines, wax myrtle, shall be preserved and incorporated into the project design to the greatest extent possible.

- b. A minimum of one (1) wax myrtle shall be planted or preserved for each ninety (90) square feet of perimeter buffer along the eastern and southern property line. These plants shall be a minimum of thirty-six (36) inches in height.
 - c. The perimeter landscaping strips along the east and south boundaries of the site, shall be supplemented by a six (6) foot tall solid masonry wall or a double row of hedge material thirty six (36) inches in height. Both sides of the wall shall receive equal architectural treatment.
 - d. The landscape strip along the eastern property line shall be a minimum of fifteen (15) feet in width, and the landscape strip along the southern property line a minimum of twenty (20) feet in width.
 - e. Landscaping shall be upgraded to include:
 - 1) Canopy trees, minimum twelve (12) feet tall, placed twenty (20) feet on center, supplemented with one (1) native palm, a minimum of fifteen (15) feet high placed an average of forty (40) feet on center, and existing or relocated wax myrtle forming a continuous hedge on the outside of the wall where provided towards the residential areas.
 - 2) A row of canopy trees ten (10) feet tall, shall be planted twenty-five (25) feet on center inside the wall.
 - f. The landscaping along the northern and western perimeter of the lot shall be upgraded with ten (10) feet tall canopy trees placed twenty (20) feet on center, and shall be supplemented by a thirty-six (36) inch continuous hedge.
2. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the perimeter landscape strips shall be identified and protective devices installed at the time of inspection. Protective barriers shall remain in place throughout the construction process.
 3. The site shall be cleared of all prohibitive species prior to the issuance of building for each phase.
 4. In order to avoid an incompatible appearance upon adjacent residential areas, all the facades of the structures shall be given equal architectural treatment.
 5. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.
 6. No storage or placement of any stock materials, refuse equipment or accumulated debris, shall be permitted behind the Planned Commercial Development.

7. **No** off-premise signs shall be permitted on site.
8. All site lighting shall be of low intensity, shielded and directed away from residentially zoned property. Lighting fixtures on the south side of the building shall be limited to a maximum of twelve (12) feet in height.
9. All trash receptacles shall be completely screened by a six (6) foot high solid wooden fence or landscaping.
10. The retail uses permitted on the site shall be limited to those commercial activities of a convenience nature designed primarily to provide services to adjacent residential areas.
11. **No** stock loading or dumpsters pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
12. **No** parking of any vehicles shall be permitted along the rear of the center except in designated spaces or loading areas.
13. **No** outdoor loud speaker system shall be permitted on site.
14. **A maximum of** four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three-hundred (300) square feet in the area.
15. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation.
16. 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.
17. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
18. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
19. 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.
20. **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.

21. 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.
22. 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.
23. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Jog road, an additional 4.9 feet as shown on Palm Beach County's Proposed Right-of-way Map #87098 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.
24. 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 \$138,105.00 (2,511 trips X \$55.00 per trip).
25. The property owner shall convey to the Lake Worth Drainage District the North 75 feet of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 45 South, Range 42 East for the required right-of-way for Lateral Canal No. 18, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 1, 1990.
26. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.

27. 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 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

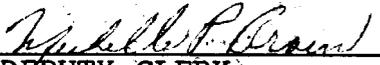
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


" COUNTY ATTORNEY

BY:


DEPUTY CLERK