

1/44/42

RESOLUTION NO. R-91- 383

RESOLUTION APPROVING ZONING PETITION NO. **90-46**
SPECIAL EXCEPTION PETITION OF EXXON COMPANY U.S.A.

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. **90-46** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 2, 1991; 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 the 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, Chapter 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. **90-46**, the petition of EXXON COMPANY U.S.A., BY GREG CLANTON, AGENT., for a SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION (NO REPAIRS), CONVENIENCE STORE AND CAR WASH lying on a portion of land on the east 1/2 of Lot 4, Block 3 of "Plat No. 1 Palm Beach Plantations" as recorded in Plat Book 10, page 20, Palm Beach County, Florida, described as follows: Commence at the south 1/4 corner of Section 1, Township 44 South, Range 42 east; thence north 88° 57' 16" west along the south line of the southwest 1/4 of section 1, for 231.19 feet, thence north 00° 23' 59" east for 70.00 feet to the north right-of-way line of Summit Boulevard said point also being the point of beginning of the tract on land hereinafter described as follows; thence continue north 00° 23' 59" east for 222.24 feet; thence south 88° 57' 16" east for 176.75 feet to a point of intersection with the west right-of-way line of Military Trail (State Road #809), said point also being on the arc of a circular curve concave to the east, the radius point of which bears south 89° 15' 20" east from said point of intersection; thence southerly along the arc of said curve having a radius of 21,547.19 feet, through a central angle of 00° 30' 36", for an arc distance of 131.76 feet; thence south 48° 19' 38" west a distance of 44.92

feet to the north right-of-way line of Summit Boulevard: ; thence north **88° 57' 16"** west for **143.10** feet to the point of beginning, and being located on the N.W. CORNER MILITARY TR. AND SUMMIT BLVD., IN THE CG DISTRICT, was approved on January 2, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7 (E)2 (b)** (Site Plan Review Committee Powers and Standards of Review).

B. STANDARD CONDITIONS FOR AUTO SERVICE (WITHOUT REPAIR)

1. The car wash facility shall utilize a water recycling system.
2. No outdoor speakers or public address systems which are audible off site, shall be permitted on the subject property.
3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
4. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way or interior drives.
5. The property owner shall participate in a recycling program when available in the area. The program shall included paper, plastic, metal and glass products, as programs are available.
6. There shall be no repair of vehicles allowed on site.
7. The property owner shall provide air and water service for all vehicles at no charge to the public.

C. ADVERTISING

1. No advertising flags, foreign flags, pennants, banners, steamers, balloons, signs upon any vehicles, or any information other than that required by law, shall be allowed on site.
2. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.

D. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind CBS walls having an

architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure opaque gate.

E. ENGINEERING

E1. 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.

E2. 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.

E3. Prior to June 1, 1991 or prior to the issuance of the first building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Roadway Production Division** by road right-of-way warranty deed for:

a. Summit Boulevard, 54 1/2 feet from centerline, and

b. Military Trail, 70 1/2 feet from centerline.

All free of 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.

E4. 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 at the time of the building permit presently is \$30,745.00 (559 trips x \$55.00 per trip).

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. The Environmental Resources Management Department shall provide guidance on appropriate protective measures.

2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part **of** those measures.

G. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. 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.
5. 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 10-D-6 F.A.C.

H. LANDSCAPE

1. Landscaping shall be upgraded along Military Trail and Summit Boulevard to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center; and
 - b. A thirty-six (36) inch tall continuous opaque hedge.
2. Trees shall be allowed to reach a minimum height **of** fifteen (15) feet and shall be maintained according to Arbor Society Standards.
3. All plant material shall be fully irrigated and maintained in a healthy viable condition.

I. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

J. SIGNS

1. Signs fronting on Military Trail and Summit Boulevard shall be limited as follows:
 - a. Maximum sign height - fifteen (15) feet.

- b. Maximum total sign face area - seventy (70) square feet.
 - c. Maximum number of signs - one (1).
2. Prior to Site Plan Review Committee approval, a Master Sign Program shall be submitted, which specifies sign location, sign size, and unified graphics and color.
 3. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.
 4. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign-related conditions of approval.

K. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Andrew Altman*
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK
BY: *Michelle P. Brown*
DEPUTY CLERK 1

