

RESOLUTION NO. R-88-1797

RESOLUTION APPROVING ZONING PETITION NO. 82-97(A)
SPECIAL EXCEPTION PETITION OF B. F. OIL, INC.

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. 82-97(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1987; 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. 82-97(A), the petition of B. F. OIL, INC., for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN AUTOMOBILE SERVICE STATION AND A CAR WASH, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-97 ON JULY 29, 1982 (R-83-68 ADOPTED ON JANUARY 18, 1983), on a parcel of land in the Northeast 1/4 of Section 36, Township 47 South, Range 41 East, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 36 (as established per the Palm Beach County Engineering Department); thence South 01 degrees 16' 04" East, along the Easterly line of said Section 36, a distance of 1279.77 feet; thence South 88

degrees 37' 28" West, a distance of 146.72 feet, to a point lying on the existing Westerly right-of-way line (as of July 8, 1982) of U.S. 441, said point also being the Point of Beginning; thence South 01 degrees 22; 32" East, along said Westerly right-of-way line, a distance of 180.00 feet; thence South 88 degrees 37' 28" West, a distance of 400.00 feet to a point lying on a line 400.00 feet West (as measured at right angles and parallel with said Westerly right-of-way line); thence North 01 degrees 22' 32" West, along said parallel line, a distance of 180.00 feet; thence North 88 degrees 37' 28" East, a distance of 400.00 feet to the Point of Beginning, located on the west side of State Road 7 (U.S. 441), approximately .2 mile south of 230th Street South, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Ultimate right-of-way line of State Road No. 7 (U.S. 441).
 - b. 30% of all trees being native.
 - c. Required loading berth.
 - d. Relocation of the handicap stall adjacent to the main structure.
3. The petitioner shall comply with Section 6.D (provide photographs of the site depicting areas of vegetation) of the Vegetation Removal Permit Application prior to site plan certification.
4. The petitioner shall relocate the proposed gasoline pump island to an area in which the associated stacking distance does not interfere with circulation on site.
5. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
6. The Property Owner shall pay Fair Share Fee in the amount & manner required by Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$3,563.00 (133 trips X \$26.79 per trip).

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. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
9. Because water service is available to the property, a well shall not be approved for potable water use.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:


Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

