

RESOLUTION NO. R-89- 718

RESOLUTION APPROVING ZONING PETITION NO. 88-90
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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-90 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 1988; 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. 88-90 the petition of MOBIL OIL CORPORATION, by Neil Crilly, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (QUICK OIL CHANGE FACILITY) on a parcel of land lying on a portion of Lots 1 and 2, Block B, Bryant Park, in Section 7, Township 44 South, Range 43 East as recorded in Plat Book 20, at page 89, being more particularly described as follows:

Commence at the intersection of the centerline of Congress Avenue (SR 807) and the centerline of Forest Hill Boulevard (SR 882) as shown on State of Florida State Road Department Right-of-way map (Section No. 93690-2601; thence run South 01 degree 04' 26" East along the centerline of Congress Avenue for 180.09 feet; thence run North 87 degrees 49' 46" West parallel with the centerline of Forest Hill Boulevard for 50.08 feet to a point on the West Right-of-way line of said Congress Avenue, said point also being

the Point of Beginning of the Tract of land hereinafter described; thence continue North 87 degrees 49' 46" West parallel with the centerline of Forest Hill Boulevard for 133.00 feet: thence North 01 degree 04' 26" West parallel with the centerline of said Congress Avenue for 127.00 feet to a point on the South Right-of-way of said Forest Hill Boulevard: thence South 87 degrees 49' 46" East along the said South Right-of-way line for 123.55 feet to a Point of Curvature of a Circular Curve Concave to the Southwest and having its elements a radius of 10.00 feet and a central angle of 86 degrees 45' 20"; thence run Southeasterly along the arc of said curve for 15.14 feet to a Point of Tangency; thence South 01 degree 04' 26" East along the said West Right-of-way line for 117.55 feet to the Point of Beginning, being located on the southwest corner of the intersection of Forest Hill Boulevard (SR 882) and Congress Avenue (SR 807) in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required setbacks for the proposed structures;
 - b. Required number of parking spaces;
 - c. Access dimensions to be thirty-five (35) feet maximum;
 - d. Relocation of the proposed sign out of the required landscape strip;
 - e. Relocate the dumpster to provide for the required five (5) foot landscape strip along the southern property line; and
 - f. Redesign stacking lane to provide the adjacent parking space with adequate backup distance of twenty-five feet.
2. No off-premise signs shall be permitted on the site.
3. Use of the site shall be limited to a quick oil change facility.
4. No outdoor storage of disassembled vehicles or parts thereof shall be permitted on site.
5. All auto service shall be conducted within the enclosed structure.
6. 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.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on 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 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.
10. If required by the County Engineer or the South Florida Water Management District 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.
11. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 60 feet from centerline and Forest Hill Boulevard, 60 feet from centerline free of all encumbrances and encroachments. Petitioner 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. In addition, the property owner shall reserve for future dedication at no cost to government an additional four (4) feet along Congress Avenue and sixteen (16) feet for Forest Hill Boulevard. Terms of the future dedication shall be in accordance with approval by the County Engineer and County Attorney. This agreement

shall be recorded prior to site plan certification.

12. 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 \$2277 (85 trips X \$26.79 per trip).
13. Storage systems must be designed, constructed and operated according to all F.A.C. Chapter 17-61 and RCRA Subtitle I requirements. Plans must be submitted to, and approved by, ERM.
14. Registration notification must be submitted to DER at least 10 days prior to the commencement of construction activities.
15. Written or verbal notification shall be provided to ERM at least 48 hours prior to tank installation.
16. If construction dewatering is anticipated, petitioner shall determine if known or potential sources of groundwater contamination exist in the area calculated to be affected by the dewatering project. If it is determined that known or potential sources exist or are suspected, a detailed plan describing the dewatering project shall be submitted to ERM. Appropriate measures must be included to prevent the withdrawal and discharge of contaminated groundwater. ERM approval shall be obtained prior to project initiation.
17. The proposed dumpster shall be screened with a six (6) foot wood fence and supplemented with a four (4) foot ficus hedge around the perimeter.
18. Trees shall be native and ten (10) to twelve (12) feet in height upon planting, and shall be spaced according to Section 500.35 along Forest Hill Boulevard and Congress Avenue.
19. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar 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 as may be permitted by the Sign Code.
20. Failure to comply with the conditions herein may result

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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Nay
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 75th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY : 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

