

RESOLUTION NO. R-89- 1241

RESOLUTION APPROVING ZONING PETITION NO. 88-98(B)
SPECIAL EXCEPTION PETITION OF JULIO KOTLER AND DANIEL COTLER

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. 88-98(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989; 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. 88-98(B) the petition of JULIO KOTLER AND DANIEL COTLER, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING (1) AN AUTO SERVICE STATION (GAS SALES ONLY - NO MAJOR REPAIRS), AND (2) A CAR WASH on a parcel of land in Lot 8, Block I, Replat of Loxahatchee District Subdivision, Loxahatchee Groves on Section 32, Township 43 South, Range 41 East, as recorded in Plat Book 12, Page 29, more particularly described as follows: Commencing at the intersection of the East line of said Lot 8 with the North Right-of-Way line of (SR 80), Southern Boulevard: thence Westerly along said right-of-way line, a distance of 138.89 feet to the Point of Beginning: thence continue Westerly, along said Right-of-way line, a distance of 200.00 feet: thence Northerly, parallel to the East line of said Lot 8, a distance of 300.00 feet: thence Easterly, parallel with the North line of said Block I, a distance of 200.05 feet: thence Southerly, parallel with the East line of said Lot 8, a distance of 303.17 feet to the Point of Beginning, less the South 32.01 feet for road Right-of-way as in Deed Book 1005, page 577, being located on the north side of Southern Boulevard (SR

80), approximately .2 mile west of "D" Road (144th Way North), 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. Southernmost right-of-way line for **SR 80**;
 - b. Revised right-of-way dedication/reservation dimensions of **150** feet, **200** feet, and **220** feet from the southernmost right-of-way line for **SR 80**;
 - c. Required five (**5**) car stacking distances for all drive-up units. The stacking distances shall be characteristic of how traffic would ordinarily access each drive-up unit from the south. The stacking lanes shall be designed **so** as not to interfere with other traffic utilizing the site:
 - d. Scaled perimeter dimensions for all structures and associated sidewalks:
 - e. Dumpster location;
 - f. Minimum dimensions for parking stalls and associated back-up distances:
 - g. Dimensions of sidewalk and handicap access ramp adjacent to the convenience store: and
 - h. Revised tabular data **to** reflect total square footage of the convenience store and car wash.
2. Provide the fifteen (**15**) foot perimeter landscape strip exclusive of the ultimate right-of-way for Southern Boulevard.
3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles **is** to be permitted in landscape areas, rights-of-way, or interior drives. **No** parking of any vehicles shall be permitted along the rear of the facility except in designated spaces or unloading areas.
4. The petitioner shall upgrade the Perimeter Landscape Alternative **No. 1** along the northern, eastern, and western property lines where the facility abuts residentially zoned lots to include twelve (**12**) foot high native canopy trees spaced at a maximum **of** twenty (**20**) feet on center.
5. The side and rear facades of the facility shall be given architectural treatment consistent with the front of the center **to** avoid an incompatible industrial appearance impact upon nearby residential development.

6. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
7. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the facility.
 - a. No off-premise signs shall be permitted on the site.
9. All proposed outdoor site lighting used to illuminate the premises shall be low intensity and directed away from adjacent residentially zoned property and shall not exceed twenty (20) feet in height.
10. Prior to Site Plan Review submittal, the petitioner shall
 - a] shift the canopy and proposed four (4) gasoline pump islands approximately forty (40) feet to the north. This shift allows additional room for the required five (5) car stacking distance for each drive up unit;
 - b] reduce the square footage of the convenience store, reducing the length of the building, to allow for additional vehicular maneuvering and circulation in the rear of the site. A minimum of 25-30 feet of unobstructed pavement shall be provided for circulation and safe sight distances:
 - a. To the north of the convenience store;
 - b. Between the western most gasoline pump islands and the western landscape strip; and,
 - c. Between the easternmost pump island and the five foot wide interior landscape island adjacent to the car wash.

In the event that this partial reduction and redesign does not improve on-site circulation and meet the requirement of Condition No. 1(c), the petitioner shall reduce the number of gasoline pump islands.

11. Use of the site shall be restricted to a convenience store, car wash, and gasoline pump island facilities.
12. Hours of operation for the car wash shall be limited from 6:00 A.M. to 9:00 P.M.
13. The petitioner shall reduce the total number of parking stalls from 16 to 11. These stalls (3 easternmost and 2 westernmost) shall be replaced with landscaping or preservation areas. All existing native vegetation shall be incorporated into these areas and the required landscape buffers.
14. Prior to Site Plan Review submittal, the petitioner shall amend the site plan to provide a minimum twenty-five (25) foot clear distance to the north of the convenience store for improved circulation. This

dimension shall be exclusive of the five (5) foot wide required landscape strip and sidewalk surrounding the convenience store.

15. 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.
16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
18. 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.
19. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
20. The property owner shall reserve 220 feet north of the existing south right-of-way line of Southern Boulevard This 220 feet shall be dedicated at no cost to Palm Beach County when requested free of all encumbrance 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.
21. Prior to Site Plan certification, the Site Plan shall be revised to reflect only one entrance/exit onto Southern Boulevard.

- 22. 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 \$57.813.00 (2,158 trips X \$26.79 per trip).
- 23. 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.
- 24. Failure to comply with the conditions herein 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 Roberts moved for approval of the petition. The motion was seconded by Commissioner Phillips and upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Absent
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Richard Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

James J. Hardy
DEPUTY CLERK