

RESOLUTION NO. R-89-1632

RESOLUTION APPROVING ZONING PETITION NO. 76-27(A)  
SPECIAL EXCEPTION PETITION OF HERBERT N. SEPNER

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. 76-27(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the zoning Authority, at its public hearing conducted on May 25, 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. 76-27(A) the petition of HERBERT N. SEPNER, Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN TO PERMIT AN AUTO SERVICE STATION (NO MAJOR REPAIRS - QUICK OIL CHANGE) WHICH WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A DRIVE-IN RESTAURANT PREVIOUSLY APPROVED (PETITION NO. 76-27) on a parcel of land lying on Lots 23, 24, 25, 26, 27, 28, 29, and 30, Block 2, Section 30, Township 43 South, Range 43 East, of the Amended Plat of West Gate Estates, Plat Book 9 at Page 20, being located at the southwest corner of the intersection of Okeechobee Boulevard (SR 704) and Tallahassee Drive, approximately .1 mile east of Palm Beach Lakes Boulevard in a CG-General Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate:
  - a. Relocation of the handicap ramp to the south out of the allocated parking space:
  - b. Minimum five (5) foot wide sidewalk adjacent to the office:

- c. Graphic depiction and tabular notation of the transfer of all interior landscape square footage to the perimeter:
  - d. Required five (5) car stacking distance for all drive-up units. The stacking spaces shall be a minimum of ten (10) feet wide by twenty (20) feet in size.
2. Use of the site shall be limited to a quick oil change facility (maximum of 2,384 square feet total floor area) with accessory services limited to the maintenance and replacement of automotive mechanical fluids and associated chassis lubricants.
  3. There shall be no outside storage of disassembled vehicles or parts thereof.
  4. No retail sales shall be permitted except for products installed by the repair facility.
  5. Prior to certification, the petitioner shall amend the site plan to indicate a twenty-five (25) foot long terminal island, extending westerly from the southwest corner of the drive-in facility.
  6. The stacking lanes shall be designed so as not to interfere with the backup distances and access aisles of required parking stalls or other traffic utilizing the site.
  7. 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.
  8. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets, shining only on the subject site.
  9. All signage shall be in conformance with the Palm Beach County Sign Code. No banners, flags, balloons, snipe signs, etc., shall be permitted on site.
  10. 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.
  11. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
  12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  13. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.

14. 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.
15. 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.
16. 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. **No** positive outfall shall be permitted into the Tallahassee Drive Drainage System.
17. Within ninety (90) days of special exception approval of this project, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a safe corner at the intersection of Tallahassee Drive and Okeechobee Boulevard 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.
18. The property owner shall construct four (4) foot sidewalks along the project's frontage for Tallahassee Drive and Shawnee Avenue if required by the Westgate Community Redevelopment Agency.
19. The property owner shall fund a pro rata share in the cost of paving Shawnee Avenue along the project's frontage. Funding shall be based upon the cost **of** one 10 foot travel lane along this project's entire frontage.
20. 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
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

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

