

RESOLUTION NO. R-90-53

RESOLUTION APPROVING ZONING PETITION NO. 85-137(B)
SPECIAL EXCEPTION PETITION OF SIL-FIR 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 have been satisfied; and

WHEREAS, Petition No. 85-137(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 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. 85-137(B) the petition of SIL-FIR CORPORATION, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AND AUTO SERVICE STATION AND A CAR WASH, TO PERMIT AN AUTO SERVICE STATION (QUICK OIL CHANGE FACILITY) (PETITION 85-137(A)) on a parcel of land lying on a portion of the Southwest 1/4 of Section 13, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 13, thence run North 88 Degrees 08' 19" West along the South line of said Section 13 for a distance of 84.12 feet to the Point of Beginning, said point also being on the North Right-of-way line of Community Drive (New 12th Street), thence continue North 88 Degrees 08' 19" West along the South line of said Section 13, said line also being the North Right-of-way line of said Community Drive for a distance of 390.11 feet to a point, thence run North 02 Degrees 24' 36" East along a line 474.20 feet West of and parallel with the East line of said Section 13 for a distance of 330.02 feet to a point, thence run South 88 Degrees 08' 19" East along a line 330.00 feet North of and parallel with the South line of said Section 13 for a distance of 414.22 feet to a point on the West

Right-of-way line of Military Trail (State Road No.809), thence run South 02 Degrees 24' 36" West along a line 60.00 feet West of and parallel to the East line of the Southwest 1/4 of said Section 13, said line also being the West Right-of-way line of said Military Trail for a distance of 32.22 feet to a point of curvature of a circular curve concave to the East, thence run Southerly along the arc of said circular curve, said curve also being the West Right-of-way line of said Military Trail, having a radius of 57355.78 feet, through a central angle of 00 Degrees 16' 20" for an arc distance of 272.51 feet to a point, thence run South 46 Degrees 59' 58" West for a distance of 35.27 feet to the point of beginning, being located on the northwest corner of the intersection of Military Trail (SR 809) and 12th Street, in a CG-General Commercial Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. All signage shall comply with the Palm Beach County Sign Code Ordinance 72-23. Specifically, no snipe signs, banners, balloons or other prohibited type of advertisement shall be permitted on site.
3. There shall be no outdoor storage of materials or equipment nor storage of disassembled or inoperative vehicles on site.
4. Alternative Landscape Strip No. 1 shall be provided along the north and west property liens. This strip shall include a six (6) foot concrete block wall and twelve (12) foot tall native canopy trees planted twenty (20) feet on center.
5. No off premise signs shall be permitted on site.
6. 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.
7. 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.
8. Parking shall be limited designated parking stalls. No parking within landscape strips, rights-of-way or accessways.
9. There is a potential for hazardous materials to be stored onsite, an Affidavit of Notification must be executed by site plan certification.
10. 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.

11. 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.
12. Condition No. 5 of Petition 85-137(A), Resolution R-88-1186 states:

"5. Prior to Site Plan Certification, the developer shall execute a Unity of Title on the subject site for approval by the County Attorney's office."

is hereby amended to read:

"Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney."

13. 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.
14. Condition Numbers 1, 5 and 6 of Petition No. 85-137, Resolution R-86-126, are hereby deleted. They no longer apply to the requested petition.
15. Condition No. 13 of Petition No. 85-137(A), Resolution No. R-88-1186 which states:

"13. There shall be not automobile repair service conducted on site."

is hereby amended to read:

"The automotive uses on site shall be limited to a gasoline service station (no major repairs), a car wash and an oil/lube facility."

16. 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 2nd day of January, 1990.

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

