

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 88-98B.5
TO DELETE THE CAR WASH FROM THE SPECIAL EXCEPTION
AND AMEND CONDITIONS OF APPROVAL
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY
RESOLUTION NO. R-89-1241
APPROVING THE PETITION OF JULIO KOTLER AND DANIEL COTLER
PETITION NO. 88-98(B)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 88-98B.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on September 26, 1996; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 88-98B.5 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to amend Special Exceptions and amend conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The recommended action is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code;
2. A site plan without a car wash has been certified;
3. All construction for improvements shown on the site plan has commenced; and
4. The development order amendment reflects the current uses as shown on the certified site plan.

WHEREAS, Section 5.3 of the Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. SR 88-98B.5, to amend the Special Exception previously granted by the approval of the petition of Julio Kotler and Daniel Cotler, Petition No. 88-98(B), confirmed by the adoption of Resolution R-89-1241, which permitted a Planned Commercial Development (PCD) including 1) an auto service station (no major repairs) and 2) a car wash, to delete the car wash, on 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 (S.R. #80) approximately 0.2 of a mile west of "D" Road (144th Way North), in the CC-Community Commercial District Zoning District, is approved subject to the following conditions:

1. All previously approved conditions of approval contained in Resolution R-89-1241 continue to apply unless expressly modified herein.
2. Condition number 10 of Resolution R-89-1241 which states:

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.

Is hereby amended to state:

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; and
- b. Between the western most gasoline pump islands and the western landscape strip.

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. (DRC: ZONING)

2. Condition number 11 of Resolution R-89-1241 which states:

Use of the site shall be restricted to a convenience store, car wash, and gasoline pump island facilities.

Is hereby amended to state:

Use of the site shall be restricted to a convenience store and gasoline pump island facilities. (ONGOING: ZONING)

3. Condition number 12 of Resolution R-89-1241 which states:

Hours of operation for the car wash shall be limited from 6:00 A.M. to 9:00 P.M.

Is hereby deleted.

4. Condition number B.2. of Resolution R-91-596 which states:

The car wash facility shall utilize a 100% recycling system.

Is hereby deleted.

Commissioner McCarty 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:

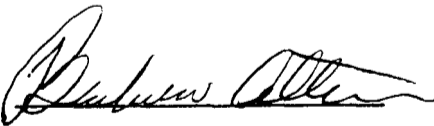
KEN FOSTER, CHAIR	—	Aye
BURT AARONSON	—	Absent
MAUDE FORD LEE	—	Absent
KAREN T. MARCUS	—	Aye
MARY MCCARTY	—	Aye
WARREN H. NEWELL	—	Aye
CAROL ROBERTS	—	Aye

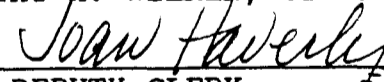
The Chair thereupon declared the resolution was duly passed and adopted this 26 day of September, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY **ITS** BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 

BY: 
DEPUTY CLERK

