

RESOLUTION NO. R-97- 257

RESOLUTION APPROVING **ZONING** PETITION DOA86-49(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION **OF MOBIL OIL CORP.**  
BY MARK WALLACE, AGENT  
(**MOBIL 537**)

WHEREAS, ~~the~~ Board of County Commissioners, ~~as the~~ governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized **and** empowered to consider petitions relating to zoning; and

WHEREAS, ~~the~~ notice **and** hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA86-49(A) was presented to the Board of County Commissioners at a public hearing conducted on February 27, 1997; and

WHEREAS, ~~the~~ Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this **approval** is subject to Article 5, Section 5.8 (Compliance with Time Limitations), ~~of the~~ Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development **Order** Amendment complies with the relevant and **appropriate** portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the **Palm Beach** County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is **compatible** as defined in ~~the~~ Palm Beach County Unified Land Development Code **and** generally consistent with the uses and character of the land surrounding and in the vicinity **of** the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed ~~on~~ it by applicable provisions **of** the Palm **Beach** County Unified Land Development Code for **use**, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This **Development Order Amendment**, with **conditions as** adopted, minimizes **adverse effects**, including visual impact **and** intensity **of** the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. ~~This Development Order~~ Amendment, with conditions as adopted, minimizes environmental ~~impacts~~, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and ~~the~~ natural functioning of the environment.
10. ~~This Development Order~~ Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 Zoning Petition DOA86-49(A), ~~the~~ petition of Mobil Oil Corp., by Mark Wallace, agent, for a Development Order Amendment (DOA) to redesign site plan; add square footage (+208 sq. ft.); and add car wash (648 sq. ft.) on a ~~parcel~~ of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, ~~attached~~ hereto and made a part hereof, was approved on February 27, 1997, ~~subject~~ to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, ~~the~~ vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty		Aye
Warren Newell		Aye
Carol A Roberts	--	Absent

The Chair thereupon declared that ~~the~~ resolution was duly passed and adopted on February 27, 1997.

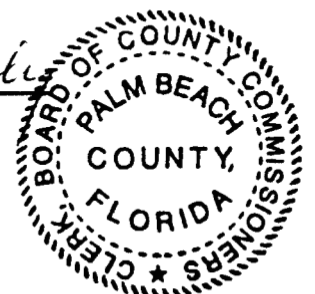
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard C. Carter*  
COUNTY ATTORNEY

BY: *Joan Haverlin*  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

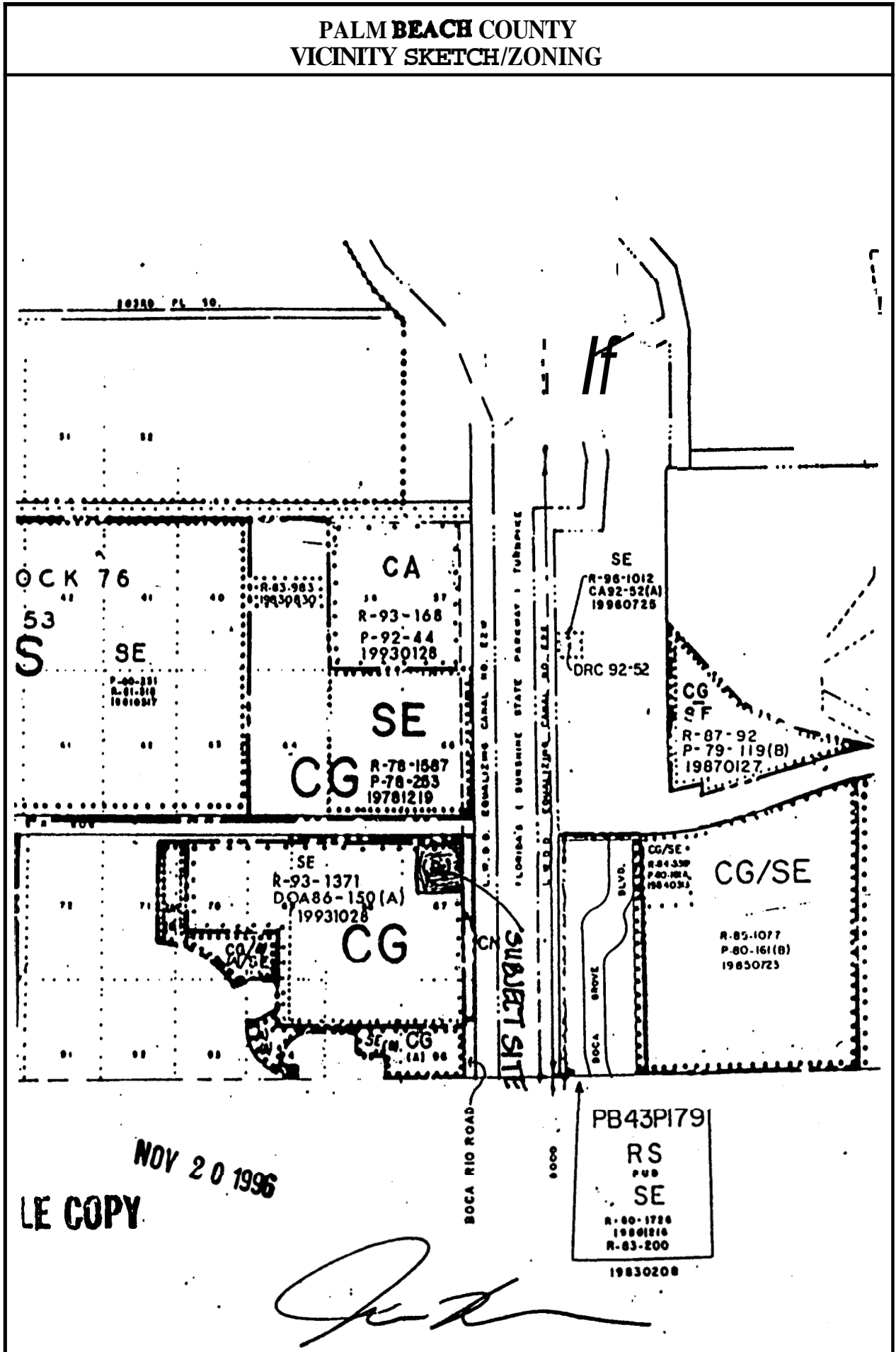
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### LEGAL DESCRIPTION

A portion of Tract **67**, Block **76** of "The Palm Beach Farms Company Plat **No. 3** of Section **17**, Township **47** South, Range **42** East" according to the Plat thereof as recorded in Plat **Book 2** at Pages **45** thru **54** of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at a point lying 80.00 feet South of the centerline of State Road **No. 808** and **80.00** feet West of the West Right-of-way line of the **Florida** State Turnpike; thence run South **00** degrees **42** minutes **52** seconds East, parallel with the Florida State Turnpike for a distance of **25.00** feet to the point of beginning; thence continue South **00** degrees **42** minutes **52** seconds East for a distance of **170.00** feet to a point; thence run South **89** degrees **59** minutes **38** seconds West, parallel with State Road **No. 808** for a distance of **180.00** feet to a point; thence run North **00** degrees **42** minutes **52** seconds West for a distance of **195.00** feet to a point of intersection with the South Right-of-way of said State **Road No. 808**; thence run North **89** degrees **59** minutes **38** seconds East along said South Right-of-way line for a distance of **155.00** feet to a point; thence run South **45** degrees **21** minutes **37** seconds East for a distance of **35.57** feet to the point beginning. (Containing: **34,785** square feet = **0.80** acres, more or less).

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

**NOTE:** All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### **A**    ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution **R-86-1368** (Petition 86-49), have been consolidated **as contained** herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by **Section 5.8 of** the ULDC and **the Board of County Commissioners**, unless **expressly** modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by **the Board of County Commissioners**. The approved site plan is dated January 13, 1997. All modifications must be approved by the Board of **County Commissioners** unless the proposed changes are required to meet conditions of approval **or** are in accordance **with** the ULOC. (**ONGOING: ZONING**)

#### **B.**    AUTO SERVICE/GAS SALES

1. Prior to final site plan certification, **the site plan** shall be amended to indicate facilities for the provision of air and water for customer convenience. The **owner of the** service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)

#### **C.**    BUILDING AND SITE DESIGN

1. **Prior to site plan certification, the site plan shall be amended to reflect the following:**
  - a) **fifteen (15) foot landscape strip along Glades Road, or obtain relief pursuant to Section 500.35.G.7 (Vested Rights);**
  - b) **required trees and landscape barrier; and**
  - c) **access drive width dimension.** (Previously condition 1 of Resolution R-86-1368, Petition 8649)
2. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.** (Previously condition 2 of Resolution R-86-1368, Petition 86-49)

#### **D.**    HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system **shall be prohibited unless** adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and **used** by tenants or **owners** generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. The automated car wash facility shall utilize a 100% recycling system. (**ONGOING: HEALTH/CODE ENF**)

E. ENGINEERING

1. Condition 3 of RESOLUTION R-86-1368, Petition 86-49, which currently states:

The development shall retain onsite **85%** of the stormwater runoff generated by a three (3) **year-one** hour **storm** per requirements of the Permit Section, Land Development Division. The drainage shall be maintained in an acceptable condition per the County Engineer's approval.

Is hereby deleted. [REASON: code requirement]

2. The property owner shall, within **90** days of the approval of the Resolution approving this project, convey for ~~the~~ ultimate right-of-way of:

- a. Glades Road, **80** feet from centerline. [Complete]

- b. Boca **Rio** Road, **80** feet west of the existing east right of way line of Boca Rio Road. Note: Site Plan and Survey to be revised to indicate this requirement prior to Site Plan Certification. [Complete]

- c. "Safe **corner**" at Boca Rio Road and Glades Road. (Previously condition **4** of Resolution R-86-1368, Petition 86-49) [Complete]

3. The Developer 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 **\$7,126 (266 trips X \$26.79 per trip)**. (Previously condition **5** of Resolution R-86-1368, Petition **8649**)

4. **LANDSCAPE WITHIN MEDIAN**

- A. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to **landscape** all adjacent median(s) of all abutting rights-of-way. When permitted by ~~the~~ Land Development Division Palm Beach County Department of Engineering and Public Works, landscaping shall, at a **minimum**, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by ~~the~~ Streetscape Standards. If all xeriscape material is utilized, ~~the~~ watering of the plant material during ~~the~~ initial heal-in period shall **be** the responsibility of ~~the~~ property owner. Alternative species other than those listed in the County standards **may be** allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. **All** landscape material shall also be the perpetual maintenance

obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing] irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. There shall be no dewatering permitted on this site unless prior approval has been received for the Department of Environmental Resources Management. (ONGOING: ERM)

G. LANDSCAPE

1. All perimeter plant material shall meet the current ULDC requirements at time of Certificate of Occupancy. Credit may be given for existing or relocated plant material provided it meets current ULDC requirements. (DRC/CO: LANDSCAPE - Zoning)

H. PRESERVATION BARRICADES

1. Prior to certification by the final Development Review Committee, the property owner shall indicate existing vegetation to be preserved within all perimeter buffers. Credit may be given for existing or relocated vegetation provided it meets current ULDC requirements. (DRC: ERM/LANDSCAPE)
2. A pre-construction inspection shall be required prior to issuance of a building permit and commencement of any demolition. All existing vegetation to be preserved within the perimeter landscape strips shall be protected by barricades prior to any on-site demolition. (BLDG PERMIT: ERNLANDSCAPE)
3. Protective barriers shall remain in place throughout the construction process and removed at the time of issuance of a Certificate of Occupancy. (CO: ERNLANDSCAPE)

I. RECYCLE OIL

1. 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. (ONGOING: HEALTH)

J. SIGNS

1. Point of purchase signage shall be limited as follows:
- Maximum sign height, measured from finished grade to highest point - **fifteen (15)** feet;
  - Maximum sign face area per side - 100 square feet;
  - Maximum number of signs - **one (1)**
  - Style** - monument style only;
  - Location - northeast corner of property at intersection of **Boca Rio**

and Glades Road. (BLDG PERMIT: BLDG - Zoning)

**K** COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the **subject property**; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the **subject property**; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the **time** of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)