

RESOLUTION NO. R-88-1549

RESOLUTION APPROVING ZONING PETITION NO. 87-57
SPECIAL EXCEPTION PETITION OF DRM PARTNERS

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. 87-57 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 28, 1987; 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. 87-57, the petition of DRM PARTNERS, for a SPECIAL EXCEPTION TO ALLOW AN AUTO SERVICE STATION, INCLUDING A CAR WASH on a parcel of land lying on Lots 6, 7, 8, 9, 10, 13, 14, 15 and 16, Block 1, Sunbeam Park, in Section 34, Township 43 South, Range 42 East as recorded in Plat Book 14, Page 26, LESS and excepting therefrom the West 5.0 feet of said Lot 10 for Right-Of-Way for Jog Road, located on the north side of Southern Boulevard (SR 80), approximately 50 feet east of State Avenue (Jog Road Extension) and bounded on the north by Joseph Street, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall

be amended to indicate the relocation of the handicap parking stall.

2. All sabal palms shall be properly removed and relocated on site, subject to the requirements of Zoning Code Section 500.37 (Vegetation Protection and Preservation).
3. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
4. The property owner shall convey for the ultimate right-of-way of:
 - a) Jog Road, an additional 50 feet, if required
 - b) Southern Boulevard 140 feet north of the existing south right of way line of Southern Boulevardall within ninety (90) days of the approval of the resolution approving this project.
5. 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 \$15,699.00 (586 trips X \$26.79 per trip).
6. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$3,924.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$19,623.00 to be paid prior to the issuance of the first building permit or prior to December 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,924.00 shall be credited toward the increased Fair Share Fee.

7. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued until 7 months after the contract has been let for the construction of Southern Boulevard as a minimum 5 lane section from State Road 7 to Military Trail plus appropriate tapers.
8. 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.
9. Since sewer service is available at the site, no septic tank shall be installed on the site.
10. Because public water service is available at the site, no well shall be installed to provide potable water on site.
11. No off premises signs shall be constructed on site.

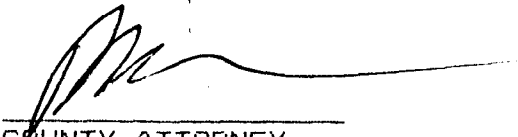
Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Elmquist, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 28, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

