

## RESOLUTION NO. R-91- 1074

RESOLUTION APPROVING ZONING PETITION NO. 89-126  
SPECIAL EXCEPTION PETITION OF BRUCE G. DUNCAN

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. 89-126 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 30, 1991; 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 the 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, Chapter 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. 89-126, the petition of BRUCE G. DUNCAN, BY DAN McCRAVEY, AGENT, for a SPECIAL EXCEPTION FOR **AN** AUTO SERVICE STATION (MAJOR REPAIRS) on a parcel of land lying Starting at the Northwest section corner of Section 29 Township 43 South, Range 43 East, go South along the West section line 35 feet to a point, thence East 33 feet to a POINT OF BEGINNING, thence South along the East right-of-way line **of** Congress Avenue 100 feet to a point; thence East parallel **to** the North section line of said section 205 feet to a point; thence North parallel to the West right-of-way line **of** Congress Avenue 100 feet to a point; thence West along the South right-of-way line of Okeechobee Road 205 feet to the POINT **OF** BEGINNING; excepting therefrom, the East 7 feet of the West 40 feet of the South 100 feet of the North 135 feet of Section 29, Township 43 South, Range 43 East; AND, the external area created by an arc tangent to a line 35 feet South and parallel with the North line of Section 29, Township 43 South, Range 43 East, and tangent to a line 40 feet East and parallel with the West line **of** said Section 29, said arc having a length of 15.66 feet, a delta angle of 89°42'07" and a radius of 10.00 feet, and being located on the S.E. CORNER **OF** THE

INTERSECTION OF CONGRESS AVE. AND OKEECHOBEE BLVD. IN THE CG ZONING DISTRICT, was approved on May 30, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 20). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).

B. ADVERTISING

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

C. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind CBS walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate.

D. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. 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.
5. 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 10-D-6, F.A.C.
6. The applicant shall provide to the Palm Beach County Public Health Unit a copy of a legal agreement for the easement, use and maintenance of the lift station to which this petition is connecting. This shall be on recordable form acceptable to the County Attorney and prior to Board of County Commission approval. This agreement shall be recorded by the applicant prior to site plan approval.

E. ENGINEERING

1. 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 on-site 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.
2. 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.
3. Prior to Site Plan Certification developer shall redesign the proposed site to reflect only 1 entrance/exit onto Congress Avenue and 2 entrance/exits onto Okeechobee Boulevard.

F. LANDSCAPING

1. Along the east property line, there shall be a minimum five (5) foot landscape buffer provided. This buffer shall include:
  - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
  - b. One (1) native palm for each thirty (30) linear feet.
  - c. A thirty-six (36) inch tall hedge.
2. The fifteen (15) foot strip located between the existing structure and the south perimeter shall be treated as a landscape area. This strip shall include:
  - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
  - b. One (1) native palm for each thirty (30) linear feet.
  - c. A thirty-six (36) inch tall hedge.
3. There shall be a minimum twenty (20) foot wide landscape strip provided between the east driveway on Okeechobee Boulevard to the east property line. This strip shall include:
  - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.

- b. One (1) native palm for each thirty (30) linear feet.
  - c. A thirty-six (36) inch tall hedge.
4. The petitioner shall place a minimum of four (4) potted trees, a minimum of six (6) feet tall, at appropriate locations on the site.

G. 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.

H. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

I. SITE SPECIFIC

1. Prior to site plan certification, the petitioner shall obtain a variance for the proposed canopy from the required twenty-five (25) foot side corner setback requirement of the Zoning Code.
2. Prior to Site Plan Certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the auto service facility shall provide air and water for minor vehicle maintenance to the public at no charge.
3. The petitioner shall apply for a Certificate of Conformity concurrent with the right-of-way taking for Okeechobee Boulevard/Congress Avenue.
4. Prior to site plan certification, the site plan shall be revised to include:
- a. The required landscaping.
  - b. Location of the dumpster.
  - c. One (1) entrance/exit onto Congress Avenue and two (2) entrances/exits onto Okeechobee Boulevard in compliance with Condition No. E.3.
  - d. The first parking space shall be located a minimum of twenty (20) feet from the north property line.
  - e. The handicapped space shall have minimum thirteen (13) foot width.
  - f. A maximum of two (2) parking spaces shall be indicated along the east side of the existing structure. A terminal island shall be incorporated on the north side of these spaces.
  - g. The thirty (30) feet required stacking from each end of each pump island.

J. USE LIMITATION

1. There shall be no outdoor repair of vehicles.
2. The site shall be limited to **1,247** square feet floor of area.
3. No outdoor loudspeaker system audible off site shall be operated on site.
4. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
5. Vehicle Parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
6. Vehicles shall not be tested off site on residential streets.

K. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, **1991**.

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**

1991  
AUG 20  
11:00 AM