

RESOLUTION NO. R-86-1366

RESOLUTION APPROVING ZONING PETITION 86-43, Special Exception

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. 86-43 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22 May 1986; 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, the Board of County Commissioners made the following findings of fact:

1. With minor site plan revisions, this proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 22 May 1986, that the petition of THEODORE BABBITT, TRUSTEE By Pual Thomson, Agent, for a SPECIAL EXCEPTION TO DELETE A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-93 AND TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTOMOBILE SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-9, TO INCLUDE A SECOND AUTOMOBILE SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES, A HOTEL AND TO INCREASE THE LAND AREA BY 6.63 ACRES on a parcel of land lying in the Southwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows:

That part of the East 420.00 feet of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3 lying Northerly of a line 400.00 feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said South Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and Southerly of said South Right-of-way.

Together with that part of the West 160.00 feet of the West $\frac{1}{2}$ of the West $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 3 lying Northerly of a line 400.00 feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said South Right-of-Way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and Southerly of said South Right-of-Way.

Also together with the East $\frac{1}{2}$ of the West $\frac{1}{4}$ of East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 3, lying Northerly of a line 400.00 feet South of (as measured at right angles to) the South Right-of-way line of State Road 706, said Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department Transportation Drawing Sheet 2 of 5, Section **Nb** (9375-110) 9362 and Southerly of said South Right-of-way line.

Also together with that part of the West $\frac{1}{2}$ of the West $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 3, lying South of the South Right-of-way line of State Road No. 706, said South Right-of-way line being 70.00 feet South of the centerline of State Road 706 as shown on Department of Transportation Drawing Sheet 2 of 5, Section No. (9375-110) 9362 and North of a line 400.00 feet South of (as measured at right angles to) said South Right-of-way line. Less however the West 160.00 feet thereof, Together with that part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ (Less the North 298 feet of the East 148 feet thereof and Less the North 552.5 feet of the West 165 feet of the East 330 feet thereof and Less the West 105 feet of the East 435 feet of the North 105 feet thereof and Less the West 100 feet of the East 430 feet of the South 315 feet of the North 420

feet thereof) of said Section 3, lying within 141 feet South of the centerline of construction for State Road 706, as recorded in Official Record Book 4051, Page 0426, lying North of a 50.00 feet road Right-of-way, as recorded in Official Record Book 3594, Page 593, and lying West of the 10 foot additional Right-of-way and the cul-de-sac Right-of-way as recorded in Official Record Book 3594, Page 593 and 3618, Page 0805' respectively.

NOTE:

Bearing Base: The East-West 1/4 section line of Section 3, Township 41 South, Range 42 East is taken to be North 89 degrees 24'50" West and all other bearings are relative thereto.

Said property located on the south side of Indiantown Road (S.R. 7061, approximately .2 mile west of Central Boulevard was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) required number of trees within perimeter landscape strips.
- b) a fifteen (15) foot perimeter landscape strip along the entire length of Indiantown Road.
- c) ten (10) foot perimeter landscape strip along 68th Terrace and Booker T. Boulevard.
- d) required and proposed amounts of interior landscaping.
- e) total floor areas for all buildings and corresponding floor area ratio.

2. The developer shall preserve existing native vegetation (slash pine, palmetto, and associated species) and incorporate the vegetation into the project design.

Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the Perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

3. Prior to site plan certification, a tree survey shall tie

submitted along with the site plan indicating areas of preservation of existing vegetation.

4. If outparcels are to exist, cross-parking and cross-access agreements shall be executed and subject to approval by the County Attorney prior to site plan certification.

5. Prior to issuance of a building permit a unity of title shall be executed and approved by the County Attorney in order to meet minimum property development regulations (parking requirements).

6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless 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.

7. 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 of the Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

8. The property owner shall convey to Palm Beach County an additional 12 feet of right-of-way along the project's north property line for the construction of a continuous right turn lane if required by County Engineer. Conveyance must be accepted prior to the issuance of a building permit.

9. The property owner shall construct a continuous right turn lane on Indiantown Road from a point 200 feet east of 68th Terrace to the project's east main entrance concurrent with onsite paving and drainage improvements per the Florida Department of Transportation and Palm Beach County Engineering Department approval.

10. 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 \$174,108.00 (6,499 trips X \$26.79 per trip).

11. Eased on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$43,527.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$217,635.00 to be paid prior to the issuance of a building permit or prior to January 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 \$43,527.00 shall be credited toward the increased Fair Share Fee.

12. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance roads and Indiantown Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

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

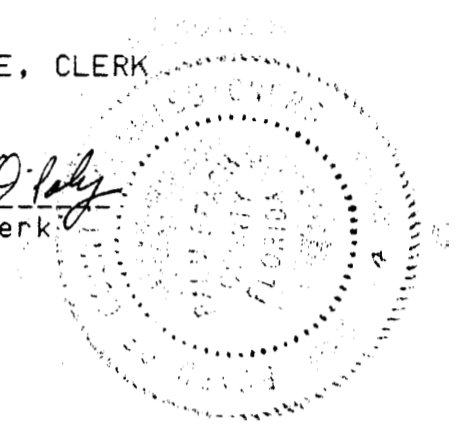
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of September, 1986 confirming action of the 22 May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

A
[Signature]
County Attorney