

RESOLUTION NO. R-88- 1206

RESOLUTION APPROVING ZONING PETITION NO. 87-72
SPECIAL EXCEPTION PETITION OF CIRCLE K GENERAL, INC.

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. 87-72 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 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. 87-72, the petition of CIRCLE K GENERAL, INC., by David Flinchum, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTO SERVICE STATION on a parcel of land lying on a portion of land within Block 1, Beverly Park Subdivision as recorded in Plat Book 15, Page 11 being more particularly as follows: Lots 1 to 8 inclusive, Block 1, Beverly Park, A Subdivision in Section 24, Township 44 South, Range 42 East, Less the South 10 feet of Lots 1 through 8 inclusive, and less the East 15 feet of said Lot 1, described above; also less a parcel described as follows: from the Southwest corner of Lot 8, Block 1, Beverly Park, according to the Plat recorded in Plat Book 15, Page 11 run Northerly along the West line of said lot for 10 feet to Point of Beginning. From Point of Beginning continue Northerly along said West line of said Lot 8 for 0.61 feet; thence run 86 degrees 54' 01" East for 162.98 feet to a point on a line parallel to and 10 feet

Westerly from the East line of Lot 1 of said Block 1; thence run southerly along said parallel line for 0.12 feet to a point on a line parallel to and 10 feet Northerly from the South line of Lots 1 through 8 inclusive, of said Block 1; thence run North 87 degrees 04' 21" West for 162.98 feet along said parallel line to Point of Beginning, located on the northwest corner of the intersection of Kirk Road and Lake Worth Road (SR 802) and bounded on the west by Beverly Drive, 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 following:
 - a. Ultimate Rights-of-Way for Lake Worth Road, Kirk Road and Beverly Drive.
 - b. Minimum one (1) parking space per 1,000 square feet of total leased floor area.
 - c. Required interior landscaping.
2. Security lighting shall be directed away from adjacent properties and streets, illuminating only the site.
3. There shall be no placement or storage of materials or debris exterior of the convenience store.
4. The dumpster shall be screened on the east side by a solid fence or wall, a minimum of six (6) feet in height.
5. The application and engineering plans, calculations etc. to construct well and / or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of building permit for straight rezoning).
6. Since public water service is available to the property, a well shall not be approved for use on said property.
7. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.
8. 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.

9. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
10. The property owner shall convey for the ultimate right-of-way of Lake Worth Road, 64 feet from centerline within 90 days of the approval of the Resolution approving this project.
11. 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 \$17,923.00 (669 trips X \$26.79 per trip).
12. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$4,481.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$22,404.00 to be paid prior to the issuance of the first building permit or prior to December 1, 1987 whichever shall first occur.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$4,481.00 shall be credited toward the increased Fair Share Fee.


Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Marcus, 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	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 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

