

RESOLUTION NO. R- 89-1053

RESOLUTION APPROVING ZONING PETITION NO. 88-72(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF ANN THROGMORTON

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. 88-72(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 1988; 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 and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 88-72(A), the petition of ANN THROGMORTON, by Robert a. Bentz, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on a parcel of land in Tract 1 of the Northwest 1/4 of the Mary A. Lyman Plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74, said parcel being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 12; thence South 04 degrees 39' 09" West (State Plane Grid Datum) along the East line of the Northwest 1/4 of Section 12, a distance of 53.10 feet to a point on a line that is 53.00 feet South of and parallel with the North line of the Northwest 1/4 of Section 12; thence North 88 degrees 50' 22" West along said parallel line 58.15 feet to the Point of Beginning; thence North 88 degrees 50' 22" West, 222.24 feet; thence South 03 degrees 11 feet 52" West, 243.72 feet; thence South 89 degrees 10' 58" East, 222.66 feet to a point of non-tangency being on a line that is 50.00 feet west

of and concentric with the center line of Military Trail (SR 809); thence northerly along said concentric line being an arc of a curve concave to the West having a radius of 11,409.16 feet; a central angle of 01 degree 13' 02", a chord distance of 242.38 feet bearing North 03 degrees 06' 36" East, an arc distance of 242.38 feet to the Point of Beginning, being located on the southwest corner of the intersection of Hypoluxo Road and Military Trail (SR 809), bounded on the north by Lake Worth Drainage District Lateral Canal, No. 18, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Condition No. 1 of Zoning Petition No. 88-72 which presently states:

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

- a. The required setback for the gasoline pump island and canopy;
- b. The required number of parking spaces;
- c. The required stacking lanes for each gasoline pump island;
- d. The relocation of the handicap space adjacent to the convenience store;
- e. The dumpster shall be relocated to south of the car wash facility; and
- f. Provide a twenty-five (25) foot landscape strip along Hypoluxo Road and Military Trail by relocating the required ten (10) percent interior landscape to the north and eastern perimeter landscape strips."

is hereby amended to read as follows:

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

- a. The required setback for the gasoline pump island and canopy;
- b. The required stacking lanes for each gasoline pump island;
- c. The relocation of the handicap space adjacent to the convenience store;
- d. The dumpster shall be relocated to south of the car wash facility; and,

- e. A twenty-five (25) foot landscape strip along Hypoluxo Road, and a fifteen (15) foot landscape strip along Military Trail."
3. The required fifteen (15) foot landscape strip along Military Trail shall be planted with ten (10) to twelve (12) foot high native canopy trees spaced an equivalent of (20) feet on center supplemented with a thirty-six (36) inch high continuous hedge.
4. Condition No. 2 of Zoning Petition No. 88-72 which presently states:
- "2. The proposed convenience store shall be re-oriented in a north-south direction in order to meet the required front setback and provide adequate stacking lanes."

Is hereby deleted.

5. Condition No. 18 of Zoning Petition No. 88-72, which presently states:
- "18. The car wash shall be relocated twenty (20) feet to the west."

Is hereby deleted.

6. Condition No. 9 of Zoning Petition No. 88-72, which presently states:
- "9. Prior to July 25, 1988, or prior to site plan approval, whichever shall first occur, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 67 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer."

Is hereby amended to read:

"Prior to December 15, 1988, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 67 feet from centerline, free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer."

7. The northern boundary of the required landscape strip shall be **78.82** feet from the centerline of Hypoluxo Road and shall extend south for a distance of twenty-five (**25**) feet. All landscape material shall be located within the southern seven (**7**) feet of the twenty-five (**25**) foot strip, south of the southern boundary of the thirty-five (**35**) foot Lake Worth Drainage District Canal easement.
8. The air/vacuum pumps shall be relocated to the southwest portion of the site within the space allocated for the three (**3**) westernmost parking stalls.
9. Condition No. **12** of Zoning Petition No. **88-72** presently states:
 - "**12.** The petitioner shall convey to the Lake Worth Drainage District the North **17-20'** of the subject property as shown on the survey submitted for the required right-of-way for Lateral Canal **No. 18**, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project**

Is hereby amended to read as follows:

"The petitioner shall convey to the Lake Worth Drainage District an additional **18'** easement deed concurrent with the conveyance of the road right-of-way as established in Condition **No. 6** above. The easement deed shall be in the **form** provided by said district."

10. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

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

