

RESOLUTION NO. R-a-1302

RESOLUTION APPROVING ZONING PETITION 84-75, 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. 84-75 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of **June** 1984; **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. The proposed Special Exception is consistent with the Comprehensive Plan.
2. The proposed site plan will require variance relief from the stacking requirements and from the rear yard and side yard setbacks. The site plan can be redesigned to minimize or eliminate variance relief.
3. The site design presented represents an over-use of a small site. The project should be reduced in scale and/or redesigned completely so as to conform to the minimum land development requirements of the Zoning Code. **This** is especially critical due to the overloaded traffic conditions existing at the intersection of Forest Hill Boulevard and Military Trail.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of June 1984, the petition of CHEVRON USA INC., By Dale C. Anderson, Agent, for a SPECIAL EXCEPTION TO ALLOW A GASOLINE PUMP ISLAND FACILITIES on a parcel of land lying in part of Tract 2, Block 3, of Plat No. 1, Palm Beach Plantations (Model Land Company) as recorded in Plat Book 10, **Page** 20, also **lying** in a part of Section 12, Township 44 South, Range 42 East and being more

particularly described as follows:

Commencing at the intersection of the centerline of Military Trail (S.R.809) and Forest Hill Boulevard (Southwest corner of said Tract 2, Block 3); thence North 88 degrees 46'02" West along the South line of said Tract 2, Block 3, and the centerline of said Forest Hill Boulevard, a distance of 203.06 feet; thence North 01 degrees 30'20" West, a distance of 60.07 feet to a point of intersection with the North right-of-way line of said Forest Hill Boulevard as shown on construction plans state highway project no. 93690-3602 sheet no. 10, said point being the Point of Beginning of this description; thence continue North 01 degrees 30'20" West, a distance of 143.00 feet; thence South 88 degrees 46'02" East, a distance of 150.00 feet to a point of intersection with the West right-of-way line of Military Trail (S.R.809) as recorded in Road Plat Book 3, Page 74; thence South 01 degrees 30'20" East along said West right-of-way line, a distance of 116.76 feet; thence South 44 degrees 51'49" West, a distance of 36.20 feet to a point of intersection with the North right-of-way line of said Forest Hill Boulevard; thence North 88 degrees 46'02" West along said North right-of-way line, a distance of 123.77 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Forest Hill Boulevard and Military Trail (S.R.809) in a CG-General Commercial District. was approved as advertised subject to the following conditions:

1. Prior to certification by the Site Plan Review Committee, the site plan shall be amended to reflect the following:
 - a) Restroom facilities meeting applicable rear and side yard setbacks unless variance relief is granted by the Board of Adjustment.
 - b) Appropriate stacking requirements unless variance relief is granted by the Board of Adjustment.
2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. The underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for

tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fiber reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.

5. The development shall retain onsite **85%** of the stormwater runoff generated by a three **(3) year** storm per requirements of the Permit Section, Land Development Division.

6. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

7. 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. Presently The Fair Share Fee for this project is **\$6650.00**.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increased Fair Share Fee.

8. Landscaping shall be installed and maintained as shown on the site plan as presented to the Board of County Commissioners.

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

Ken Spillias, Chairman	-- ABSENT
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	- - AYE

The foregoing resolution was declared duly passed and adopted this day of September 4, 1984 confirming action of the 29th of June 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Charles Harris
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney