

RESOLUTION NO. R-85-664

RESOLUTION APPROVING ZONING PETITION 85-9, 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. 85-9 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, RE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of January 1985, that Petition No. 85-9 the petition of THEODORE BABBIT, TRUSTEE By Paul Thompson, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTO SERVICE STATION WITH GASOLINE PUMP ISLAND FACILITIES 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 West 160.00 feet of the North 480.00 feet of the West 1/2 of the West 1/4 of the East 1/2 of the Southwest 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 No. 706 (a 120.00 foot right-of-way). Less however that part of said West 160.00 feet lying Northerly of a line 70.00 feet South of (as

measured at right angles to) the centerline of the aforesaid State Road No. 706. Said property located on the south side of Indiantown Road (S.R. 706) 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) A six foot high solid masonry wall along the south property line in a five foot wide landscape strip supplemented with 10-12 foot high canopy trees planted 20 feet on center and hedge row planted two feet on center. The hedge and tree row are **to** be planted on the exterior side of the wall.

b) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.

c) The north facade of the retail store will be landscaped with foundation plantings and with canopy trees within adjacent paved areas.

d) A six foot high solid masonry walls, or 10' wide PCD landscape buffer strips shall be placed along the easterly and westerly property lines, or variance relief shall be obtained from the Board of Adjustment. If such variance relief is obtained, the petitioner shall place a six-foot high wooden fence along the easterly and westerly property lines.

2. All mechanical and air conditioning equipment to be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

3. The south, east and west facades of the retail store shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.

4. No stock loading or dumpster pickup will be permitted between the hours of **8:00** p.m. and 8 a.m.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center ,

6. **No** parking of any vehicles along the rear of the shopping center shall be permitted except in designated spaces or unloading areas.

7. Security lighting shall be directed away from adjacent properties,

8. 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, Land Development Division.

9. The property owner shall convey for the ultimate right of way of Indiantown Road, 70 feet from centerline approximately an additional 20 feet within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

10. The developer shall not be issued a building permit until the contract for the construction of Indiantown Road has been let from **1-95** to Center Street.

11. The property owner/developer shall be permitted only one temporary entrance/exit onto Indiantown Road at the project's east property line,

12. The property owner/developer shall convey to the public an access easement 40 feet south of the project's north property line for the purpose of cross access between adjoining properties along Indiantown Road from the C-18 Canal to Central Boulevard. It is the intent that when other separate parcels are rezoned along Indiantown Road, that these properties also construct access roads. Palm Beach County shall then establish permanent points of access along Indiantown Road. Should this parcel not receive a permanent access location, then this property owner shall remove at its cost the temporary entrance/exit as outlined in Condition No. 11 above. All of the maintenance for the road and landscaping associated with the access easement shall be borne by the developer.

13. 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 \$19,350.00.

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

14. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$19,350.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds to be paid within 6 months of Special Exception approval.

15. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

16. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

17. 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.

18. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

19. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

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

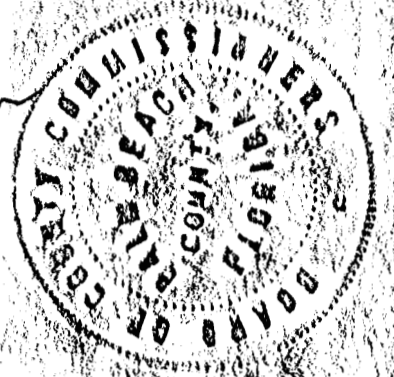
Ken Spillias, Chairman	--	AYE
Dorothy Wilken , Vice Chairman	--	ABSENT
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of April, 1985, confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spagnoli
County Attorney