

RESOLUTION NO. R-85-1876S

RESOLUTION APPROVING ZONING PETITION 85-98, 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. 85-98 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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. With site plan modifications, this proposal will be 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 22nd of August 1985, that Petition No. 85-98 the petition of AMOCO OIL COMPANY By Alan Ciklin, Esquire for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES on Tract "B", Plat of "Garden Lake" in Section 13, Township 43 South, Range 42 East, as recorded in Plat Book 26, Page 35. Said property located on the southeast corner of the intersection of Military Trail (S.R. 809) and 12th Street in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the following:
  - a) A six (6) foot high solid masonry wall along the south property line where the lot abuts residential uses, with 10-12 foot high canopy trees planted twenty (20) feet on center along said wall.

- b) A minimum twenty (20) foot backup distance between the property line and the first parking stall.
  - c) Relocation of the proposed sign from the safe corner area.
  - d) Building and yard setback dimensions in conformance with Zoning Code Section 610.D.2
  - e) Removal and or relocation of the access driveways to conform with the minimum (150) foot centerline setback from the corner, or be granted County Engineer approval to allow driveway access locations at less than the required (150) foot minimum setback dimension.
  - f) Minimum required landscape strip dimensions of five (5) feet.
2. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
  3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
  4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
  5. Security lighting shall be directed away from nearby residences.
  6. 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.
  7. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline (approximately an additional 7 feet), and 80 feet from centerline for new 12th street, if such right-of-way is not now under the control of Palm Beach County, 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.
  8. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.
  9. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department Permit Section for access onto 12th Street and a permit from the Florida Department of Transportation for access onto Military Trail.
  10. 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.
  11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
  12. 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.
  13. 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.
  14. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

15. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

16. 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 \$14,252.00.

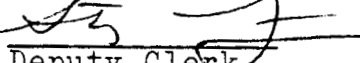
Commissioner Marcus , moved for approval of the petition. The motion was seconded by Commissioner Adams , and upon being put to a vote, the vote was as follows:

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

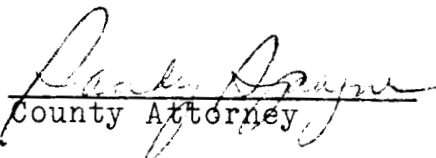
The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney

