

'RESOLUTION NO. R-85-1949

RESOLUTION APPROVING ZONING PETITION 82-138(A), 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. 82-138(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of September 1985, that Petition No. 82-138(A) the petition of EXXON CORPORATION By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN AUTOMOBILE SERVICE STATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-138 TO INCLUDE AN ADDITIONAL GASOLINE PUMP ISLAND beginning at the Northwest corner of Parcel "B", according to the plat of subdivision of Tract 23, Block 1, The Palm Beach Farms Company Plat No. 9, in Section 28, Township 43 South, Range 42 East, as recorded in Plat Book 27, Page 77; thence Easterly, along the North line of said Parcel "B", a distance of 199.83 feet to a point; thence Southerly, parallel with the West line of said Parcel "B", a distance of 199.83 feet to a point; thence Westerly, parallel with the North line of said Parcel

"B", a distance of 199.83 feet to a point on the West line of said Parcel "B"; thence Northerly, along the West line of said Parcel "B", a distance of 199.83 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Skees Road and Okeechobee Boulevard (S.R. 704) was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. Security lighting shall be directed away from nearby residences.
3. Prior to site plan certification the site plan shall be revised to reflect the following:
  - a) Relocation of the required landscape hedge from within the safe corner - cross visibility area at the corner of Skees and Okeechobee Roads.
  - b) Relocation of the Skees Road access drive to a centerline location of 150 feet from the corner, or be granted County Engineers exception pursuant to Code Section 500.20.E.
  - c) Width dimension of the Skees Road access Drive.
4. 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.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
6. 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.
7. 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.
8. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
9. The petitioner shall convey to the Lake Worth Drainage District the North 41.00 feet of the subject parcel for the required right-of-way for Lateral Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.
10. 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.
11. 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. The Fair Share Fee for this project presently is \$22,691.00.

12. Based on the Traffic Performance Standards (Category "B"), the Developer has agreed to contribute an additional \$5,672.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid prior to December 31, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$5,672.00 shall be credited toward the increased Fair Share Fee.

13. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Skees Road and a permit from the Florida Department of Transportation for access onto Okeechobee Road.

15. The Petitioner shall comply with all original conditions of 82-138 except for Condition No. 3.

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

Commissioner Owens, 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	==	ABSENT
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	NAY

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Heckman  
 Deputy Clerk

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY

Randy Adams  
 County Attorney

FILED THIS ..... DAY OF  
 ..... DEC. 03, 1985 .....  
 AND RECORDED IN  
 MINUTE BOOK NO. .... AT  
 PAGE ..... RECORD VERIFIED  
 JOHN B. DUNKLE, CLERK  
 BY ..... D.C.