

RESOLUTION NO. R- 87-13

RESOLUTION APPROVING ZONING PETITION 76-75(D), 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. 76-75(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 26, 1986 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 revisions to the site plan, 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 13th day of January, ~~1986~~, that: Petition No. 76-75(D), the petition of JOSEPH M. ARREE, MICHAEL WILENTA AND GARY GARRISON By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-75(C), TO INCLUDE GASOLINE PUMP ISLAND FACILITIES on a parcel of land in the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 41 South, Range 42 East, being specifically described as follows: From an iron rod marking the Southeast corner

of the Southwest 1/4 of the Northeast 1/4 of said Section 6, bear North 1 degree 37'09" East along the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 6, a distance of 1146.19 feet to the intersection thereof with the Southerly Right-of-way line of State Road 706 (Indiantown Road); thence North 74 degrees 56'13" West along said Right-of-way line, a distance of 61.69 feet to the Point Of Beginning. Thence, continue North 74 degrees 56'13" West along said Right-of-way line, a distance of 184.12 feet to the Point Of Curvature of a curve to the right, having a central angle of 3 degrees 38'03" and a radius of 2914.93 feet: thence, Northwesterly, along the arc of said curve, a distance of 184.89 feet to the end of said curve; thence, South 41 degrees 20'19" West, a distance of 224.80 feet to the Point Of Curvature of a curve to the left, having a central angle of 41 degrees 30'00" and a radius of 70.58 feet; thence, Southwesterly, along the arc of said curve, a distance of 51.12 feet to the Point Of Tangency: thence South 0 degree 09'41" East, a distance of 150.29 feet: thence North 89 degrees 30'00" East, a distance of 513.00 feet; thence, North 1 degree 37'09" East, along a line that is 60 feet Westerly of, parallel and measured at right angles to the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 6, a distance of 260.00 feet to the Point Of Beginning. Said property located on the south side of Indiantown Road (S.R. 706), approximately .7 mile east of Jupiter Farms Road in a CG-General Commercial District 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) fifteen (15) foot landscape strip along Indiantown Road, or submit a Landscape Betterment Plan subject to approval of the Zoning Division.
  - b) ten (10) foot landscape strip between access easement and vehicular use area along eastern property line, or submit a Landscape Betterment Plan subject to approval of the Zoning Division.
  - c) minimum landscaping in interior islands.

- d) required sign setback along Indiantown Road.
  - e) relocate stacking to accommodate access and parking backup areas.
  - f) revised interior landscaping calculations.
  - g) a six (6) foot high solid masonry wall along the entire length of the south property line and along the east Property line to within ten (10) feet of the east access drive. In addition, ten to twelve (10-12) foot high canopy trees shall be planted thirty (30) feet on center along the entire length of said wall.
  - h) relocation of the parking spaces adjacent to the westernmost building.
2. Security lighting shall be directed away from nearby potential residential areas.
  3. The rear of the center shall be given architectural treatment consistent with the front in order to alleviate any negative visual impacts on surrounding areas.
  4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.
  5. Areas of existing oak and pine to be preserved shall be shown upon the approved development plan consistent with the tree survey in the official file prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree. In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater. Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.
  6. The application and engineering plans, calculations etc. to construct well and septic tank must be submitted to the Health Department prior to site plan approval.
  7. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
  8. 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 \$20,039 (748 trips X 26.79 per trip).
  9. Based on the Traffic Performance Standards (Category "B"), the property owner shall contribute an additional 85,010

toward Palm Beach County's existing roadway Improvement Program. These total funds of \$25,049 are to be paid at time of Building Permit issuance, or prior to January 1, 1987, whichever shall first occur.

10. The property owner shall construct a left turn lane at the project's east entrance concurrent with onsite paving and drainage improvements.

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

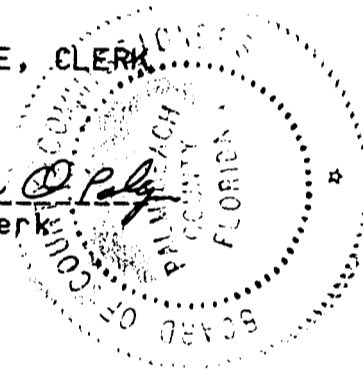
Karen T. Marcus	-- AYE
Jerry L. Owens	-- AYE
Ken Spillias	-- ABSENT
Dorothy Wilken	-- AYE
Kenneth M. Adams	-- AYE

The foregoing resolution was declared duly passed and adopted this 13th day of January\_\_\_\_, 1987 confirming action of June 26, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Paly  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney