

RESOLUTION NO. R-87-875

RESOLUTION APPROVING ZONING PETITION 80-217(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. 80-217(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1987; 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-217(A), the petition of CHEVRON U.S. Q., INC., By J.R. Buckley, Agent, for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES AND A SELF-SERVICE CRR WRSR on the East 205.00 feet of the West 240.00 feet of Tract 121, Block 23 of Palm Beach Farms Plat No. 3 in Section 28, Township 44 South, Range 42 East. According to the plat thereof, recorded in Plat Book 2, Pages 45 through 54, inclusive, lying North of the North Right-Of-Way line of Lake Worth Road as recorded in Road Plat Book 5, Page 127; less the north 355.00 of said Tract 121, and being more particularly

described as follows: commencing at a point on the West line of said Tract 121, said point being 355.00 feet South of the Northwest corner of said Tract 121; thence run North 83 degrees-30'-00" East (assumed bearing) along a line that is 355.00 feet South of and parallel with the North line of said Tract 121, a distance of 35.00 feet for a point of beginning; (said point being on the East Right-Of-Way line of Nassau Road). Thence continue North 89 degrees-30'-00" East along said parallel line, a distance of 205.00 feet; thence run South 00. degrees-30'-00" East, a distance of 246.75 feet to an intersection with the North Right-of-way line of said Lake Worth Road; thence run South 89 degrees -30'-36" West along said North Right-Of-Way Line, a distance of 175.01 feet; thence run North 45 degrees-29'-27" West, a distance of 42.42 feet to an intersection with the East Right-of-way line of said Nassau Road; thence run North 00 degrees-30'-00" West along said East Right-Of-Way line, a distance of 218.72 feet to the point of beginning. Said property located on the northeast corner of the intersection of Lake Worth Road (SR 802) and Nassau Road in a CG-General Commercial Zoning District wa5 approved as advertised, subject to the following conditions:

1. The developer shall comply with all conditions of previous approvals unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. one (1) of three (3) alternative perimeter landscape strips adjacent to existing residential lots.
 - b. required number of trees.
 - c. the required tree in each terminal island
 - d. required landscaping between off-street parking areas and right-of-way.
 - e. a five (5) car stacking distance for each gasoline pump island and the car wash facility.
 - f. the preservation of all existing native vegetation within all required buffer areas,
3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this 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. The drainage system shall be maintained in an acceptable condition as approved by the

County Engineer. I;I the event that the drainage system is not adequately maintained as determined by the County Engineer this matter will be reviewed by the Code Enforcement Board for enforcement.

4. 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 \$25,424.00 (949 trips X \$26.79 per trip).
5. Property owner shall revise the proposed Site Plan to reflect only one turnout on Lake Worth Road at the project's east property line per the County Engineer's approval prior to site plan certification.
6. Since sewer and water service is available to the property, septic tank and well shall not be approved for use on said property.

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

Carol A. Roberts	--	Aye
Jerry L. Owens	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Absent

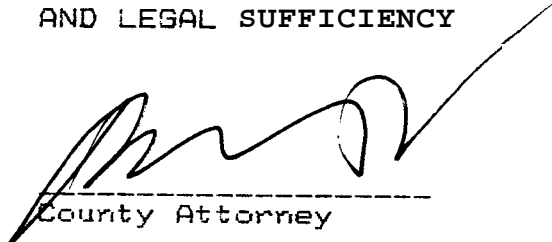
The foregoing resolution was declared duly passed and adopted this 23rd day of June, 1987 confirming action of January 29, 1987.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jana M. Eldridge
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney