

RESOLUTION NO. R-89-912

RESOLUTION APPROVING ZONING PETITION NO. 88-72
SPECIAL EXCEPTION PETITION OF RT ASSOCIATES

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. 88-72 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 1988: 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-72 the petition of RT ASSOCIATES, by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTO SERVICE STATION (NO MAJOR REPAIRS) AND CAR WASH (SELF SERVICE OR AUTOMATIC), on a parcel of land lying in Tract 1 of the Northwest 1/4 of the Mary A. Lyman Plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74, said parcel being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 12: thence South 04 degrees 39' 09" West (State Plane Grid Datum) along the East line of the Northwest line that is 53.00 feet South of and parallel with the North line of the Northwest 1/4 of Section 12: thence North 88 degrees 50' 22" West along said parallel line 58.15 feet to the Point of Beginning; thence North 88 degrees 50' 22" West, 222.24 feet; thence South 03 degrees 11' 52" West, 243.72 feet: thence South 89 degrees 10' 58" East, 222.66 feet to a point of non-tangency being on a line that is 50.00 feet West of and concentric with the center line of Military Trail (SR 809;

thence Northerly along said concentric line being an arc of a curve concave to the West having a radius of 11,409.16 feet; a central angle of 01 degrees 13' 02", a chord distance of 242.38 feet bearing North 03 degrees 06' 36" East, an arc distance of 242.38 feet to the Point of Beginning, located on the southwest corner of the intersection of Hypoluxo Road and Military Trail (S.R. 809), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to reflect the following:
 - a. The required setback for the gasoline pump island and canopy;
 - b. The required number of parking spaces;
 - c. The required stacking lanes for each gasoline pump island;
 - d. The relocation of the handicap space adjacent to the convenience store;
 - e. The dumpster shall be relocated to south of the convenience store adjacent to the air/vacuum area.
 - f. Provide a twenty-five (25) foot landscape strip along Hypoluxo Road and Military Trail by relocating the required ten (10) percent interior landscape to the north and eastern perimeter landscape strips.
2. The proposed convenience store shall be re-oriented in a north-south direction in order to meet the required front setback and provide adequate stacking lanes.
3. The petitioner shall relocate and preserve the cabbage palms located on site and within the ultimate right-of-way to the perimeter landscape strips.
4. Lighting used to illuminate the site shall be low intensity, shielded and directed away from streets and neighboring properties.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the

Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

- a. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
9. Prior to July 25, 1988, or prior to site plan approval, whichever shall first occur, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Military Trail, 67 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
10. 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 \$32,041.00 (1,196 trips X \$26.79 per trip).
11. In addition the petitioner shall contribute the amount of \$4,803.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards code. These total funds of \$36,844.00 shall be paid prior to the issuance of the first Building Permit.
12. The petitioner shall convey to the Lake Worth Drainage District the North 17-20' of the subject property as shown on the survey submitted for the required right-of-way for Lateral Canal No. 18, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
13. Property owner shall be permitted only one entrance/exit onto Hypoluxo Road a minimum of 230 feet west of the center line of Military Trail and only one entrance/exit onto Military Trail a minimum of 240 feet south of the center line of Hypoluxo Road subject to approval by the County Engineer.
14. In order to comply with the mandatory traffic

performance standards the property owner shall be restricted to the following phasing schedule:

- a) The proposed project shall consist of two phases; the first phase is the proposed service station and convenience site; the second phase is the proposed car wash.
 - b) Phase I may begin construction once construction has begun on Military Trail as a 4 lane median divided section from Hypoluxo Road south to Miner road.
 - c) Phase II may begin construction once construction has begun on Military Trail as a 4 lane median divided section from Hypoluxo Road north to Lantana Road.
15. No off-premise signs shall be permitted on the site.
 16. The property owner shall agree to enter into an executed agreement prior to Site Plan approval relative to the joining in of any plat and future cross access agreements with the remaining eight (8) acres.
 17. The location of the air/vacuum shall be relocated to the south of the proposed convenience store. This will reduce possible vehicular circulation problems.
 18. The car wash shall be relocated twenty (20) feet to the west.
 19. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Wilken 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	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of June 23, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY 
DEPUTY CLERK

