

RESOLUTION NO. R-89-1258

**RESOLUTION APPROVING ZONING PETITION NO. 84-132(C)
SPECIAL EXCEPTION PETITION OF SOMERSET 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. 84-132(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 9, 1989; 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. 84-132(C) the petition of SOMERSET ASSOCIATES, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA (PETITION NO. 84-132), TO INCLUDE AN AUTO SERVICE STATION (GAS SALES ONLY, NO REPAIRS) on a parcel of land lying on a portion of Tracts 49, 50, 51, 52, 53, 54 and 55, Block 76, Palm Beach Farms Co., Plat No. 3, Section 27, Township 47 South, Range 42 East, Plat Book 2, Pages 45 through 54. Less the Right-of-way for Lyons Road, Official Records Book 2870, Page 1761, more particularly described as follows:

Commencing at the Southeast corner of the above described parcel; thence, North, a distance of 38.00 feet to the Point of Beginning of this description; thence, West, a distance of 329.98 feet; thence, South, 13.00 feet; thence, West 930.31 feet; thence, North 40.00 feet; thence, North 43 degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons Road, the last five courses described being coincident with the North

Right-of-way line of Glades Road (State Road 808); thence, North 03 degrees 00' 00" East, a distance of 344.78 feet to the Point of Curvature of a circular curve to the left; thence, northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet to the Point of Tangency; thence, North, a distance of 539.79 feet, the last three courses described being coincident with the said East Right-of-way line, said point being on the arc of a circular curve to the left, whose radius point bears North from the last described point; thence, easterly and northerly, along the arc of said curve, having a radius of 30.00 feet, an arc distance of 29.55 feet; thence, North 89 degrees 10' 20" East, a distance of 241.06 feet to the Point of Curvature of a circular curve to the right; thence, Easterly and Southerly, along the arc of said curve, having a radius of 140.00 feet, and arc distance of 176.43 feet to the Point of Reverse Curvature; thence, Southwesterly, along the arc of said curve, having a radius of 315.00 feet, an arc distance of 161.91 feet to the Point of Reverse Curvature; thence, Southerly, along the arc of said curve, having a radius of 60.00 feet, an arc distance of 44.02 feet to the Point of Reverse Curvature; thence, Southwesterly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 251.31 feet to the Point of Reverse Curvature; thence, Southerly, along the arc of said curve, having a radius of 335.00 feet, an arc distance of 165.07 feet to the Point of Reverse Curvature; thence, Southeasterly, along the arc of said curve, having a radius of 197.51 feet, an arc distance of 359.29 feet to the Point of Reverse Curvature; thence, Easterly, along the arc of said curve, having a radius of 185.00 feet, an arc distance of 87.88 feet to the Point of Tangency; thence, North, 89 degrees 11' 23" East, a distance of 207.46 feet to a point on the East line of the above described parcel; thence, South, along said East line, a distance of 416.91 feet to the Point of Beginning.

Less the following described parcel: (Additional Glades Road Right-of-Way).

Beginning at the Southeast corner of the above described parcel; thence, West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence, West, a distance of 930.31 feet; thence North, a distance of 48.00 feet; thence West, a distance of 1.61 feet, the last five courses described being coincident with the North Right-of-way line of Glades Road (State Road 808); thence, North, a distance of 12.69 feet, the last course described being coincident with the East Right-of-way line of Lyons Road; thence, South 43 degrees 30' 00" East, a distance of 17.50 feet; thence, East, a distance of 500.00 feet; thence, South 88 degrees 51' 15" East, a distance of 400.08 feet; thence, East, a distance of 349.86 feet; thence, South, a distance of 27.00 feet to the Point of Beginning of this description.

Less the following described parcel: (Additional Lyons Road Right-of-Way).

Commencing at the Southeast corner of the above described parcel; thence West, a distance of 329.98 feet; thence South, a distance of 13.00 feet; thence West, a distance of 930.31 feet; thence North, a distance of 40.00 feet to the Point of Beginning of this description; thence, North 43 degrees 30' 00" West, a distance of 36.27 feet to a point on the East Right-of-way line of Lyons

Road; thence, North 03 degrees 00'" East, a distance of 344.78 feet to the Point of Curvature of a Circular Curve to the left; thence, northerly, along the arc of said curve, having a radius of 3873.72 feet, an arc distance of 202.83 feet; thence, North, a distance of 260.92 feet, the last five courses described being coincident with the East Right-of-way line of Lyons Road; thence, South 01 degrees 08' 46" East, a distance of 400.60 feet; thence, South 03 degrees 00'" West, a distance of 400.00 feet; thence, South 43 degrees 30' 00" East, a distance of 18.77 feet; thence, South, a distance of 12.69 feet; thence, East, a distance of 1.61 feet; thence South, a distance of 8.00 feet to the Point of Beginning of this description, being located on the east side of Lyons Road (90th Avenue South), approximately 1025 feet north of Glades Road (SR 808), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review submittal, the site plan shall be amended to indicate:
 - a. The reduction in width of the southwestern access point to the service station from thirty (30) feet to twenty (20) feet.
 - b. The location of signage labeling the southwestern drive as "Exit Only". This signage shall be prominently displayed to direct incoming traffic away from the exit.
 - c. The location of a handicapped parking space adjacent to the north side of the retail building.
 - d. The modification of existing lease parcel footprints to accurately reflect building floor areas assigned to each parcel as indicated in the site data.
3. The retail square footage for the gasoline sales lease parcel shall be limited to 1,000 square feet, and six (6) gasoline service pumps.
4. The General Retail Commercial Use square footage shall be reduce from 164,700 to 163,700 square feet for the entire planned development.
5. Prior to Site Plan certification, the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed

and used by project tenants or owners generating such effluents.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
10. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
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.
12. The landscape strip along the north property line in the area adjacent to the gas station and convenience store shall be planted in the following manner:
 - a. Native canopy trees planted twenty (20) feet on center, a minimum of fifteen (15) feet in height at the time of planting; and
 - b. Palm trees twenty (20) feet in height at the time of planting, planted an average of twenty (20) feet on center:
13. There shall be no car wash and no service bays at the gas station. There shall be no storage of inoperative vehicles on site.
14. There shall be only one sign; the point of purchase sign for the gas and convenience store. The sign shall be limited to monument type signage a maximum of eight

(8) feet in height and may be located within the required landscape strips.

15. No off-premise signs shall be permitted on the site.
16. No temporary, A-frame, portable, paper, cloth, or plastic streamers, banners, or any type of additional off-premise signs shall be permitted on any portion of the property.
17. Failure to comply with any conditions of approval 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 Marcus moved **for** approval **of** the petition. The motion was seconded **by** Commissioner Howard and upon being put **to** a vote, the vote was as follows:

Carol J. Elmquist, Chair	-- Aye
Ron Howard	-- Aye
Karen T. Marcus	-- Aye
Carole Phillips	-- Nay
Carol Roberts	-- Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 9, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

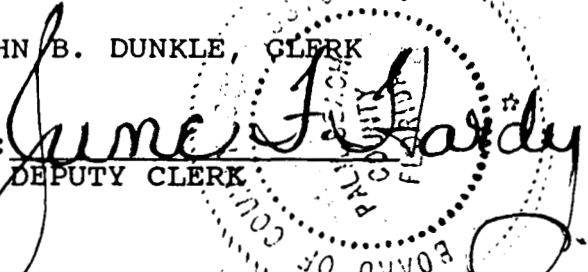
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK