

RESOLUTION NO. R-93-1024

RESOLUTION APPROVING ZONING PETITION DOA76-48(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SHELL OIL COMPANY

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA76-48(C) was presented to the Board of County Commissioners at a public hearing conducted on August 30, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA76-48(C), the petition of SHELL OIL COMPANY for a DEVELOPMENT ORDER AMENDMENT in the COMMERCIAL GENERAL (CG) Zoning District, to amend a convenience store and gas station to increase square footage, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on August 30, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster and, upon being put to a vote, the vote was as follows:

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of August, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

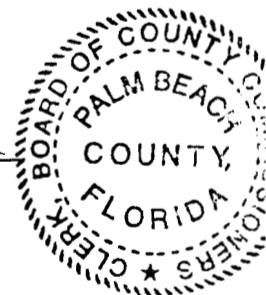


EXHIBIT A
(legal description)

LEGAL DESCRIPTION

THE WEST HALF (W 1/2) OF SUBDIVISION " A " AND " B " OF TRACT 99, LESS THE NORTH 40 FEET OF SUBDIVISION " A ", AND LESS THE EAST 20 FEET OF THE WEST ONE HALF (W 1/2) OF SUBDIVISION " A " AND " B " OF TRACT 99, ACCORDING TO PALM BEACH FARMS COMPANY, PLAT NO. 7, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 72, TOGETHER WITH, SUBDIVISION " A " OF TRACT 100, LESS THE NORTH 40 FEET THEREOF.

SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines established pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code, unless expressly modified. (MONITORING)

B. BUILDING AND SITE DESIGN

1. **The developer shall provide a wheelchair ramp in the curb when constructing the curb and sidewalk at the southeast corner of Military Trail and Okeechobee Blvd.** Previously Condition No. 4, of Petition No. 76-48, Resolution No. R 76-464.
2. To ensure development of the property is consistent with the proposal, the site shall be limited to a maximum of **950** square feet of building area (canopy not included). Additional square footage may be approved pursuant to Section 5.4.E.13 (Minor Deviations) of the ULDC.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Prior to DRC Site Plan certification sampling and analysis of the groundwater from each existing monitoring well, for volatile gasoline constituents by EPA method 602 shall be conducted and the results submitted to ERM. The extent of soil contamination in the area shall be described and the supporting data provided. (ERM)
2. A Remedial Action Plan (RAP) shall be submitted and approved by ERM prior to DRC Site Plan certification. The RAP shall describe the methodology and equipment that will be used to remediate contaminated groundwater and soils in the underground storage tank area. The plan shall describe the methods for removal and disposal **or** remediation of petroleum contaminated soils within the area of the proposed convenience store. The plan shall also contain a schedule for the completion of all tasks and the Applicant shall be obligated to the time frames in the approved schedule. (ERM)
3. Secondary containment for stored Regulated Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (BUILDING/ERM)

D. HEALTH

1. Sewer service is available to the property. Therefore, **no** septic tank shall be permitted on the site. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH)

E. ENGINEERING

1. 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 at the time of the Building Permit presently is \$5,472.00 (199 additional trips X \$27.50 per trip). (IMPACT FEE COORDINATOR)

2. Condition No. 1, of Petition No. 76-48, Resolution No. R-76-464, which states:

The Developer shall complete construction prior to September 1, 1976, with the construction of turnouts and sidewalks as first priority.

Is hereby deleted. (REASON: Condition previously complied with.)

3. Condition No. 2, of Petition No. 76-48, Resolution No. R-76-464, which states:

The developer shall stripe the sidewalks across the turnouts as pedestrian crosswalks with warning signs for outgoing traffic.

Is hereby deleted. (REASON: Condition previously complied with.)

4. Condition No. 3, of Petition No. 76-48, Resolution No. R-76-464, which states:

The Developer shall pave or astroturf the triangular waiting station at the corner. Hedges and Landscaping to be behind the property line of the twenty-five (25) foot diagonal safe site corner at the intersecting right-of-way lines.

Is hereby amended to state:

The Developer shall pave or astroturf the triangular waiting station at the corner. Hedges and Landscaping to be behind the property line of the twenty-five (25) foot diagonal safe site corner at the intersecting right-of-way lines. The developer shall be required to comply with this condition after construction of the Okeechobee Boulevard widening by the Florida DOT has been completed. The petitioner shall modify the certified site plan accordingly. (ENGINEERING)

5. Condition No. 5, of Petition No. 76-48, Resolution No. R-76-464, which states:

The developer shall place a "Restrictive Covenant" on the property to insure auto facility will post signs and stripe sidewalks on their entrance by September 1, or prior to building permits of sales office, which ever is first.

Is hereby amended to state:

The developer shall place a "Restrictive Covenant" on the property to insure auto facility will post signs and strip sidewalks on their entrance by September 1, or prior to building permits of sales office, which ever is first. Prior to approval of the next site plan, evidence of compliance with this condition shall be furnished to the Engineering Department. (ENGINEERING)

6. Condition No. 6, of Petition No. 76-48, Resolution No. R-76-464, which states:

The developer shall construct sidewalks and curb gutters along Military Trail and Okeechobee Blvd.

Is hereby deleted. (REASON: Condition previously complied with.)

7. Condition No. 7, of Petition No. 76-48, Resolution No. R-76-464, which states:

The developer shall convey the twenty-five (25) foot "safe corner" to the County at the intersection of Military Trail and Okeechobee Blvd.

Is hereby deleted. (REASON: Condition previously complied with.)

F. LANDSCAPE - GENERAL

1. **To ensure compliance with Section 1.5 (Modification to Previous Approvals) of the ULDC, the petitioner shall install landscaping on the subject property pursuant to Exhibit 63 prior to May 1, 1994 or the issuance of the first Certificate of Occupancy, which ever occurs first. (MONITORING/BUILDING-Zoning)**