

RESOLUTION APPROVING ZONING PETITION **DOA83-10(C)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF MOBIL OIL CORP.

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 **DOA83-10(C)** was presented to the Board of County Commissioners at a public hearing conducted on April 28, 1994; 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 **DOA83-10(C)**, the petition of Mobil Oil Corp., for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend site plan 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 April 28, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner     Newell     moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt <b>Aaronson</b>	--	Nay
Ken Foster	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of April, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dorothy H. Wilken*  
COUNTY ATTORNEY

BY: *Jana M. Blair*  
DEPUTY CLERK

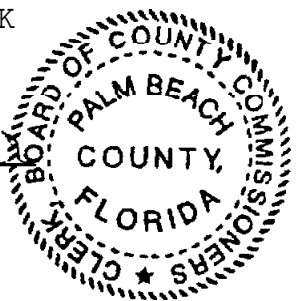


EXHIBIT A

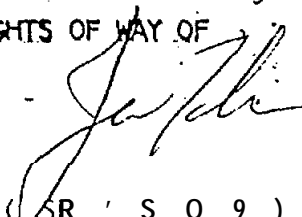
LEGAL DESCRIPTION

LEGAL DESCRIPTION 3.63 ACRES

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 11, THENCE WITH A BEARING OF SOUTH 89° 20' 58" WEST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 11, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL (S.R. 809) THENCE WITH A BEARING OF SOUTH 0° 19' 42" EAST, ALONG THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL RIGHT OF WAY A DISTANCE OF 286.15 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY, AS RECORDED IN O.R. BOOK 2226, PAGE 1210 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF MILITARY TRAIL A DISTANCE OF 384.84 FEET; THENCE WITH A BEARING OF SOUTH 89° 17' 12" WEST, A DISTANCE OF 384.73 FEET, THENCE WITH A BEARING OF NORTH 0° 39' 02" WEST, A DISTANCE OF 410.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY; THENCE WITH A BEARING OF NORTH 89° 20' 58" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY, A DISTANCE OF 361.89 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 45° 29' 22" EAST, A DISTANCE OF 35.46 FEET MORE OR LESS TO THE POINT OF BEGINNING,  
CONTAINING 3.63 ACRES. MORE OR LESS AND SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION STATION SITE

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 11, THENCE WITH A BEARING OF SOUTH 89° 20' 58" WEST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 11, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL (S.R. 809) THENCE WITH A BEARING OF SOUTH 0° 19' 42" EAST, ALONG THE WEST RIGHT OF WAY LINE OF MILITARY TRAIL RIGHT OF WAY A DISTANCE OF 286.15 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY, AS RECORDED IN O.R. BOOK 2226, PAGE 1210 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF MILITARY TRAIL A DISTANCE OF 184.86 FEET; THENCE WITH A BEARING OF SOUTH 89° 20' 58" WEST, A DISTANCE OF 209.00 FEET; THENCE WITH A BEARING OF NORTH 0° 19' 42" WEST, A DISTANCE OF 210.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY; THENCE WITH A BEARING OF NORTH 89° 20' 58" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF VIA DELRAY, A DISTANCE OF 183.86 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 45° 29' 22" EAST, A DISTANCE OF 35.46 FEET MORE OR LESS TO THE POINT OF BEGINNING.  
CONTAINING 1.000 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.



BOTH PARCELS : LESS ROAD RIGHT-OF-WAY FOR MILITARY TRAIL (SR 809)  
PALM BEACH COUNTY PROJECT 86-112 FROM SR 806 TO STINER ROAD PARCEL NO 14

#5

EXHIBIT B

(LOCATION SKETCH)

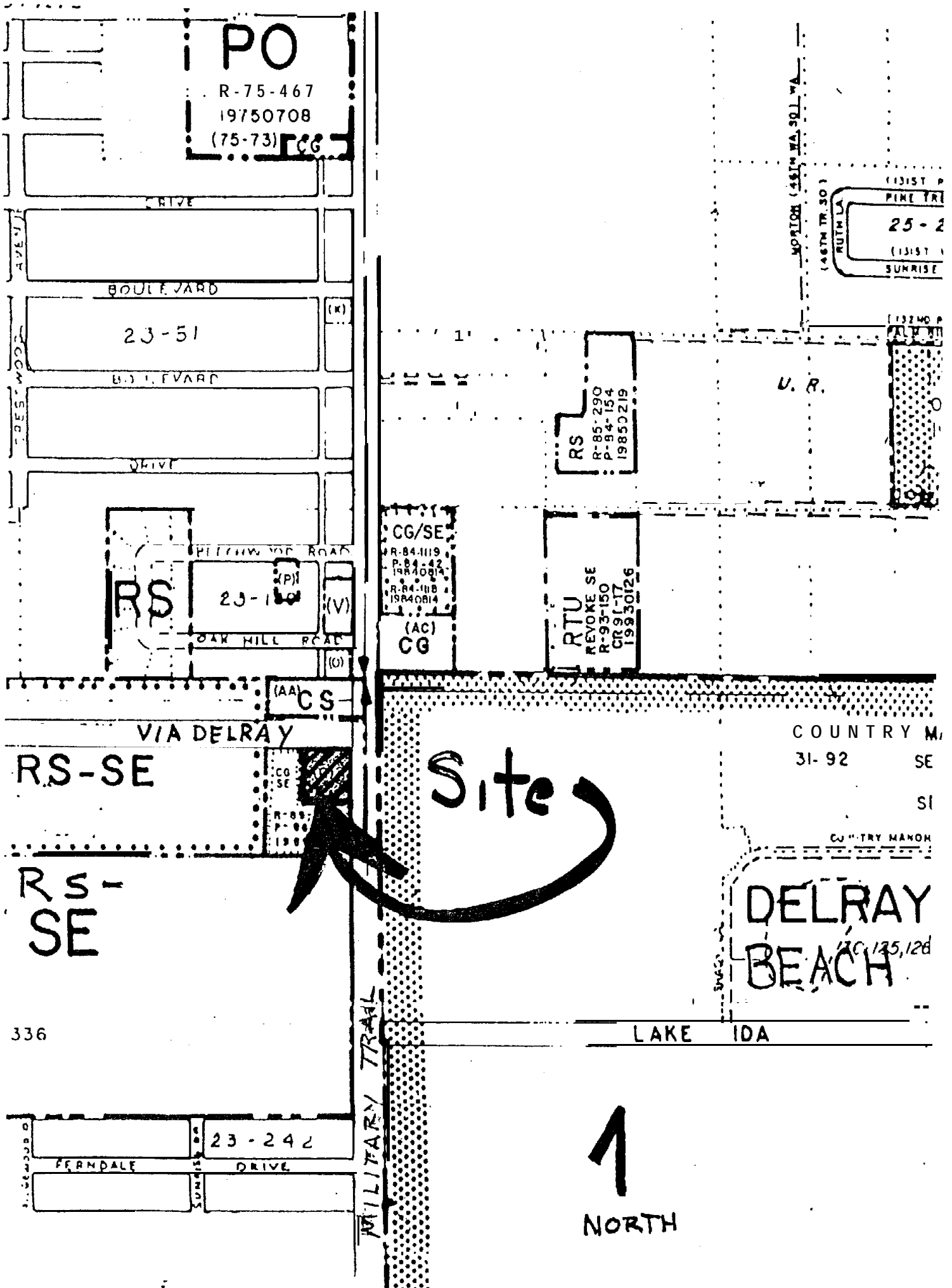


EXHIBIT C

CONDITIONS OF APPROVAL

**NOTE:** All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified herein.

A. ALL PETITIONS

1. The previous conditions of approval, resolution number **R-83-611**, applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, unless expressly modified. **(MONITORING)**
2. Total square footage shall be limited to a maximum of 1,100 square feet. Additional square footage may be allowed pursuant to article 5.4.E.13 (Minor Deviations) PBC **ULDC**. **(BUILDING)**
3. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. **(ZONING/CODE ENFORCEMENT)**
4. Prior to site plan certification, proposed easements to service Florida Power and Light and Southern Bell shall be shown, so as not to conflict with required landscaped areas. Previously Condition No. 2, Petition **83-10**, Resolution No. 83-611 **(ZONING/UTILITIES)**
5. The dumpster shall be screened with a solid fence and landscaping. Previously Condition No. 3, Petition 83-10, Resolution No. 83-611
6. The developer shall take reasonable precautions during the development **of** this property to insure that fugitive particulate (dust particles) from the project do not become a nuisance to neighboring properties. Previously Condition No. 4, Petition 83-10, Resolution No. 83-611
7. The developer shall take necessary measures during the development of this property to prevent pollutant **runoff** to neighboring and nearby surface waters. Previously Condition No. 5, Petition 83-10, Resolution No. 83-611
- a. The developer shall contribute Nine Thousand Three Hundred and Seventy Five Dollars **(\$9,375.00)** and \$1.25 per sq. ft. for Kiosk, toward the cost of meeting this project's direct and identifiable impact to be paid at the time of the issuance of the building permit. Previously Condition No. 8, Petition 83-10, Resolution No. 83-611 **(BUILDING)**
9. Landscape along Military Trail & Via Delray shall be consistent with Exhibit A, Petition **DOA83-10(C)**.

B. LANDSCAPING

1. Prior to certification of the Final Site Plan by the DRC, the petitioner shall revise the site plan to indicate the minimum perimeter planting requirements of section 7.3 (landscaping and buffering) of the ULDC. **(ZONING)**

2. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a) Height: fourteen (14) feet
  - b) Caliper: three and one half (3.5) inches; measured four and one half (4.5) feet above grade;
  - c) Canopy: seven (7) feet, measured from a minimum of three points. (ZONING)
3. The petitioner shall, prior to issuance of building permits, submit a landscape plan to the Building Department reflecting the required landscape improvements of condition B.1 and B.2. All landscaping required by this approval shall be installed prior to the issuance of the Certificate of Completion (CC) for the additional square footage. (BUILDING/ZONING)

C. LIGHTING

1. Lighting fixtures shall not exceed fifteen (15) feet in height measured from the finished grade to the highest point. (BUILDING)
2. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING)

D. SIGNS

1. Signs fronting on Military Trail shall be limited as follows:
  - a. Maximum sign height of ten (10) feet, measured from finished grade to the highest point.
  - b. Maximum total sign face area of one hundred (100) square feet per face.
  - c. Maximum of one (1) sign. (BUILDING)
2. Signs fronting on Via Delray shall be limited as follows:
  - a. Maximum sign height of ten (10) feet, measured from finished grade to the highest point.
  - b. Maximum total sign face area of one hundred (100) square feet.
  - c. Maximum of one (1) sign.
  - d. Monument design only. (BUILDING)

E. ENGINEERING

1. Prior to site plan certification, the proposed site plan shall be amended to provide for required setbacks and separation between access drives and the intersection at **Via** Delray and Military Trail. Previously Condition No. 1 Petition 83-10, Resolution No. 83-611 (Engineering)

2. The property owner shall convey to Palm Beach **County**, within ninety (90) days of approval, 60 **feet** from centerline for the ultimate right-of-way for **Military Trail** approximately an additional 7 feet of right-of-way. Previously Condition No. 6, Petition 83-10, **Resolution** No. 83-611 (ENGINEERING)  
  
[Status: Survey submitted by this petitioner shows compliance.]
3. The development shall **be** permitted only one entrance **onto** Via Delray, a minimum distance of 230 feet west of the center line of Military Trail. Previously Condition No. 7, Petition 83-10, Resolution No. 83-611 (**ENGINEERING**)
4. The development shall retain **onsite** 85% of the **stormwater** runoff generated by a three **(3)** year storm per requirements of the Permit Section, Land **Development** Division. Previously Condition No. 9, Petition 83-10, Resolution No. 83-611
5. Petitioner shall revise the southerly **curbcut** to be located further to the south to better service the adjacent proposed neighborhood shopping center. Previously Condition No. 10, Petition 83-10, Resolution No. 83-611 (ENGINEERING)
6. The property owner shall fund the construction of right turn lane on Via Delray at this projects entrance road prior to July 1, 1994. Funding shall be limited to the amount of \$10,000 with construction of the turn **lane** by Palm Beach County as part of intersection improvement:: on Via Delray. (MONITORING - Engineering).
7. The property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Stare 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 \$2750 (100 trips X \$27.50 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the **petiticner** shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
  - 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)
  3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit **or** filing of the first plat, whichever occurs first, to reflect this **obligation**. Maintenance shall be in accordance with the **issued** permits. (BUILDING/ENGINEERING - County Attorney)E.

G. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Conditional Use and any zoning which was approved concurrently with the Conditional Use as well as any previously **granted** certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions **reasonably** related to the failure to comply with **existing** conditions.

Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of **any** revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the **Fifteenth** Judicial Circuit. (MONITORING)