

RESOLUTION NO. R- 84-1315

RESOLUTION APPROVING ZONING PETITION 84-101, 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. 84-101 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of June 1984; 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. The proposed development is consistent with the requirements of the Comprehensive Plan.
2. The site plan must be amended to meet the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of June 1984, the petition of STANDARD OIL COMPANY By Dale C. Anderson, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION, INCLUDING GASOLINE PUMP ISLAND FACILITIES on a parcel of land in the Southeast 1/4 of Section 1, Township 44 South, Range 42 East, bounded as follows:

On the South by the Northerly right-of-way line of Dillman Road (said Northerly right-of-way being a line parallel with and 70.00 feet Northerly from, measured at right angles to the South line of said Southeast 1/4 of said Section 1), on the North by a line parallel with and 150.00 feet Northerly from (measured at right angles to) said Northerly right-of-way line of Dillman Road:

On the West by the Easterly right-of-way line of State Road No. 809 (Military Trail) as same is shown in Road Plat Book 3, Page 75; on the East by a line parallel with and 150.00 feet Easterly from as measured on a line radial to said Easterly right-of-way line of State Road No. 809; being more particularly described as follows:

Commence at the South 1/4 corner of said Section 1; thence run North 01 degrees 50'24" East, along the West line of the Southeast 1/4 of said Section 1, for a distance of 220.01 feet to a point; thence run South 88 degrees 33'06" East, along a line that lies 150.00 feet North of and parallel with the Northerly right-of-way line of said Dillman Road, for a distance of 55.55 feet to a point of intersection of the Easterly right-of-way line of said State Road No. 809 (Military Trail), said point also being the Point of Beginning of parcel of land hereinafter to be described; thence continue South 88 degrees 33'06" East, along last mentioned line which lies 150.00 feet North of and parallel with the Northerly right-of-way line of Dillman Road, for a distance of 150.01 feet to a point on curve, said point bears South 89 degrees 02'42" East to a radius point of a circular curve concave to the Northeast and having for its elements a radius of 21,282.94 feet and a central angle of 00 degrees 24'14"; thence run Southeasterly along the arc of said circular curve for an arc distance of 150.01 feet to a point of intersection with said Northerly right-of-way line of Dillman Road, said point bearing North 89 degrees 26'56" West from said circular curve; thence run North 88 degrees 33'06" West, along said Northerly right-of-way line of Dillman Road (said line also lying 70.00 feet North of and parallel with the South line of said Section 1), for a distance of 150.02 feet to a point of curve, said point bears South 89 degrees 26'33" East to radius point of a circular curve concave to the Northeast and having for its elements a radius of 21,432.94 feet and a central angle of 00 degrees 24'04"; thence run Northwesterly along the arc of said circular curve for an arc distance of 150.01 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Summit Boulevard and Military Trail (S.R.809) in an CG-General Commercial District was approved as advertised subject to

the following conditions:

1. Prior to certification of the Site Plan by the Site Plan Review Committee, the project design and site plan shall be modified to reflect the following:

- a) The required 100 feet stacking lanes for pump island facilities.
- b) The required landscape barrier along the Summit Boulevard right-of-way.

2. 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.

3. The property owner shall convey for the ultimate right of way of:

- a) Military Trail, 60 feet from centerline,
- b) Summit Boulevard, 54 feet from centerline,

The above additional Rights of Way shall be conveyed **within ninety** (90) days of Special Exception approval. The conveyances must be accepted by Palm Beach County prior to the issuance of the first building permit. The additional Right of Way is required for the relocation of utility poles.

4. The developer shall be permitted only one entrance onto Summit Boulevard, a minimum distance of 180 feet east of the centerline from Military Trail.

5. 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. Presently The Fair Share Fee for this project is \$1,663.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to **increase** the Fair Share Fee this amount shall be credited toward the increased Fair Share Fee.

6. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

8. The underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fiber-reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.

Commissioner Koehler moved for approval of the Petition. The motion was seconded by Commissioner Bailey, and, upon being put to a vote, the vote was as follows:

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|----------------------------------|-----------|
| KEN SPILLIAS, CHAIRMAN           | -- ABSENT |
| DOROTHY H. WILKEN, VICE-CHAIRMAN | -- AYE    |
| PEGGY B. EVATT                   | -- ABSENT |
| DENNIS P. KOEHLER                | -- AYE    |
| BILL BAILEY                      | -- AYE    |

The foregoing resolution was declared duly passed and adopted this 11<sup>th</sup> day of September, 1984 confirming action of the 29th of June, 1984.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*R.M. Carlson*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONER:

JOHN B. DUNKLE, CLERK

BY: *Marlene Harris*  
DEPUTY CLERK

