

RESOLUTION NO. R-86-634

RESOLUTION APPROVING ZONING PETITION 85-177, 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. 85-177 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; 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. With variance relief or site plan modification, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of February 1986, that Petition No. 85-177 the petition of **THE CIRCLE K CORPORATION**, By William Knowles, Agent, for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES on Lots 1 and 2, Less the East 13.00 feet thereof, Kelmar Park, in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 23, Page 1. Said property located on the northwest corner of the intersection of Kelmar Drive and Military Trail (S.R. 809) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Setbacks pursuant to Section 610 of the Zoning Code or obtain

variance relief from Board of Adjustment.

b) 8-10 foot canopy trees planted 30 feet on center along the western property line.

c) All landscaping shall be installed as per exhibit copy.

2. If the new Landscape Code is adopted prior to the site plan receiving site plan certification, the site plan shall be revised to reflect the new requirements.

3. The western facade of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residences.

4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

5. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas.

6. Security lighting shall be directed away from nearby residences.

7. The required six (6) foot high wall shall receive identical architectural treatment on both sides.

8. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.

9. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

10. 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.

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

12. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (Note: no direct discharge into the Military Trail drainage system shall be permitted.)

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

a) Military Trail, 53 feet from centerline,

b) Kelmar Drive, 30 feet from centerline,

c) Provide a safe corner at the intersection of Kelmar Drive and Military Trail.

all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

14. 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 \$3,617.08 (125 trips x \$26.79 per trip).

15. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto

Kelmar Drive and a permit from the Florida Department of Transportation for access onto Military Trail.

17. The petitioner shall permit no consumption of alcoholic beverages on the site and shall permit no loitering on the site. The petitioner shall advise its personnel that they are responsible for enforcement of this condition and that they shall contact the appropriate authorities when alcoholic beverages are being consumed on the site.

commissioner Owens , moved for approval of the petition. The motion was seconded by Commissioner Spillias , and upon being put to a vote, the vote was as follows:

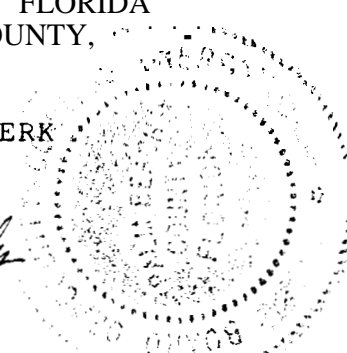
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|----------------------------|----|---------|
| Karen T. Marcus, Chairman | -- | AYE |
| Jerry Owens, Vice Chairman | -- | AYE |
| Dorothy Wilken, Member | -- | OPPOSED |
| Kenneth Spillias, Member | -- | AYE |
| Kenneth Adams, Member | -- | OPPOSED |

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th February 1986.


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY,
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney