

RESOLUTION NO. R-87-437

RESOLUTION APPROVING ZONING PETITION 86-120, 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. 86-120 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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 required site plan modifications, 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 24th day of March, 1987, that: Petition No. 86-140, the petition of SOUTHLAND CORPORATION By Henry Heller, Agent, for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES on a part of that portion of a parcel of land as designated by "Not Included" on the plat of Kokomo Trailer Subdivision as recorded in Plat Book 25 at Page 127, lying West of the East line of the Southwest 1/4 of said Section 36, Township 44 South, Range 42 East, said part being more particularly described

as follows: Commence at the South 1/4 Section corner of said Section 36; thence run North 02 degrees 11'24" East, on a assumed bearing, along the said East line of the Southwest 1/4 of said Section 36, a distance of 85.00 feet to a point on the Northerly Right-of-way line of State Road 812 (Lantana Road) as shown in Road Plat Book 1 at Page 234; thence continue North 02 degrees 11'24" East, along said East line, a distance of 14.00 feet to an intersection with a line 14.00 feet North of, as measured at right angles, and parallel with the said Northerly Right-of-way line of State Road 812 (Lantana Road), said intersection being the Point of Beginning: thence North 88 degrees 09'16" West, along said parallel line, a distance of 0.91 feet to the beginning of a curve concave to the South, said curve having a radius of 2918.93 feet and a central angle of 04 degrees 13'35"; thence Westerly, along the arc of said curve, being 14.00 feet North of and concentric with the said Northerly Right-of-way line of State Road 812 (Lantana Road), a distance of 215.31 feet to an intersection with the East Right-of-way line of Apache Drive as shown on said plat of Kokomo Trailer Subdivision; thence North 02 degrees 19'21" East, along said East Right-of-way line of Apache Drive, a distance of 208.15 feet; thence South 87 degrees 40'39" East, a distance of 215.50 feet to an intersection with the said East line of the Southwest 1/4 of Section 36; thence South 02 degrees 11'24" West, along said East line, a distance of 198.42 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Apache Drive and Lantana West Road (S.R. 812) was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the abandonment of the right-of-way (Plat Book No. 3, page 10) along the eastern property line shall be recorded.
2. Prior to site plan certification, an appropriate cross-access agreement to the parcel abutting the north property line shall be submitted. The agreement shall be subject to approval by the County Attorney's office.
3. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a. A minimum of one (1) loading space.
  - b. Required and proposed interior landscaping.
  - c. A minimum fifty-four (54) foot Right-of-way from centerline of Lantana Road.
4. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district. However, at a minimum 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. 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 to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
5. The property owner shall construct:
- a. right turn lane, east approach on Lantana Road at the project's entrance road
  - b. right turn lane, north approach on Military Trail at the project's entrance road
- These improvements shall be concurrent with onsite paving and drainage improvements.
6. 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 \$37,801.00 (1,411 trips X \$26.79 per trip).
7. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$9,450.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$47,251.00 are to be paid prior to the issuance of the first building permit, or prior to July 1, 1987, whichever shall first occur.
- If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$9,450.00 shall be credited toward the increased Fair Share Fee.
8. Petitioner shall establish a ten (10) foot landscape strip along the entire western edge of the property. A six (6) foot concrete block wall shall be erected on the innermost side of the ten (10) foot buffer. The wall shall receive appropriate architectural treatment on both sides. The wall shall also be constructed to the greatest extent possible, to be aligned with the existing wall on the western side of the property to the north. Canopy trees shall be planted within the ten (10) foot buffer on the exterior side of the wall facing the mobile home park. Trees shall be a minimum of twelve (12) feet in height upon planting. Trees shall be planted thirty (30) feet on center. The landscape strip shall be continuously maintained and kept free of trash and debris.

9. Dumpster location shall be relocated away from the residential development as far as possible.
10. The owner, occupant, or tenant of the facility shall participate in an oil recycling program which insures proper reuse or disposal of waste oil.
11. 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.
12. Hours of operation of the facility shall be limited to the hours of 6:00 a.m. to 11:00 p.m. daily.

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: June M. Elddings  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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County Attorney