

RESOLUTION NO. R-83-611

RESOLUTION APPROVING ZONING PETITION 83-10, 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-Z have been satisfied; and

WHEREAS, Petition No. 83-10 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th February 1983; 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 proposal is consistent with the Comprehensive Plan designation and Mandatory Performance Standards.
2. The proposed use could be accommodated to the site while meeting all property development regulations.
3. The proposed use will have no significant negative impacts upon the surrounding area, provided that the site is developed in accordance with all property development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of February, 1983, that. Petition No. 83-10 the petition of KIERAN IILDAY, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION, INCLUDING GASOLINE PUMP ISLAND FACILITIES on a parcel of land lying in Section 11, Township 46 South, Range 42 East, 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 1.1, 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, 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. Said property located on the southwest corner of the intersection of Military Trail. (S.R. 809) and Via Delray in a CN-Neighborhood Commercial District, was approved as advertised subject to the following conditions:

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.
2. 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.
3. The dumpster shall be screened with a solid fence and landscaping.
4. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties .
5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
6. 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.
7. 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.

8. 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.
9. 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.
10. Petitioner shall revise the southerly curbcut to be located further to the south to better service the adjacent proposed neighborhood shopping center.

Commissioner Spillias, moved for approval of the petition.

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

Peggy E. Evatt, Chairman	- Aye
Ken Spillias, Vice Chairman	- Aye
Dennis P. Koehler, Member	- Absent
Dorothy Wilken, Member	- Nay
Bill Bailey, Member	- Absent

The foregoing resolution was declared duly passed and adopted this 24th day of MAY, 1983, confirming action of 24th of February 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Seah Van O'Brien*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John B. Dunkle*  
County Attorney

