

RESOLUTION NO. R-83-613

RESOLUTION APPROVING ZONING PETITION 83-19, Rezoning

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. 83-19 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 proposed is consistent with the Comprehensive Plan.
2. The proposal will result in an improvement over existing conditions of this property in terms of appearance and safety.

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. 83-19 the petition of SHELL OIL COMPANY AND MARY F. ERSKINE By Lee Starkey, Agent, for the REZONING FROM CN-NEIGHBORHOOD COMMERCIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on a portion of Tract 104, Model Land Company, subdivision of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, at Page 79; being more particularly described as follows: The West 165.00 feet of said Tract 104, less the North 440.00 feet and less the following parcels for road right-of way purposes: the South 25.00 feet of said Tract 104; that 25.00

25 foot wide parcel as described in Deed Book 1051 and as shown in Road Plat Book 2 at Page 89 . Said parcel. of land also being described as follows : Commencing at the Southwest corner of Section 20, Township 44 South, Range 4 3 East ; thence run South $87^{\circ}40'06''$ East along the South line of said Section 20, a distance 0-P 65.15 feet to a point on the Southerly extension of the Easterly right-of-way line of State Road No. 807 (South Congress Avenue) as shown in Road Plat Book 2, Page 89; thence North $02^{\circ}02'06''$ West along the Southerly extension of the Easterly right-of-way of said State Road No. 807, a distance of 40.12 feet. to a point on the Northerly right-of-way line of said Road No. 802 (Lake Worth Road) and the Point of Beginning; thence continue North $02^{\circ}02'06''$ West along the said Easterly right-of-way line of State Road No. 807, a distance of 109.70 feet to a point of curvature of a circular curve concave to the East; thence Northerly along the arc of said circular curve having a radius of 1860.08 feet and a central angle of $02^{\circ}20'25''$ for a distance of 75.97 feet; thence departing said circular curve, run South $87^{\circ}43'48''$ East along a line non-radial to the last described curve and 440 feet south of, and parallel with, the North line of Tract 104, Model Land Company, as recorded in plat book 5, Page 79, for a distance of 129.19 feet: to the East, line of the West 165.00 feet of said Tract 104; thence South $01^{\circ}59'54''$ West along the East line of the West 165.00 feet of said Tract 104, a distance of 1.85.37 feet to the Northerly right-of-way line of said State Road No. 802; thence North $87^{\circ}40'06''$ West along a line 40.00 feet North of, as measured at right: angles to, the South line of said Section 20 and along the Northerly right-of-way of State Road No. 802, a distance of 117.68 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Congress Avenue (S.R. 807) and Lake Worth Road (S.R. 802), was approved as advertised subject to the following conditions :

1. Prior to Site Plan Certification the site plan shall be amended to correct any accessway location and dimension deficiencies, to reconfigure and specify required landscape areas, to relocate the existing sign out of the safe-corner at the intersection and to provide For a six-foot (6') high solid fence with gate around the dumpster pad.

2. Reasonable precautions shall be employed during site development to prevent dust particles from this property from becoming a nuisance to neighboring properties.
3. Reasonable measures shall be taken during site development to insure that run-off from this property does not pollute adjacent or nearby waters .
4. The property owner shall convey to Palm Beach County, within ninety (90) days of Special Exception approval, 54 feet from centerline for the ultimate right-of-way for Lake Worth Road, approximately an additional 4 feet of right-of-way.
5. The development shall be permitted only one turnout onto Lake Worth Road, a minimum distance of 75 feet of the west property line.

Commissioner Wilken , 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:

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

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

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

