

RESOLUTION NO, R-83-802

RESOLUTION APPROVING ZONING PETITION 83-45, 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. 83-45 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th April 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 proposed would be compatible with the developing character of this area

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1983, that Petition No. 83-45 the petition of GEORGE F. POWELL AND MARY F. POWELL By Kieran Kilday, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT, INCLUDING GASOLINE PUMP ISLAND FACILITIES AND A CAR WASH on that certain parcel of land in Tract 42, Block 6, Palm Beach Farms Company Plat No. 3, in Section 32, Township 43 South, Range 42 East recorded in Plat Book 2, Pages 45 to 54, more particularly described as follows: Beginning at the Northwest corner of said Tract 42, run East along the North line of said Tract 42 a distance of 150.04 feet; thence run South on a line parallel to the East line of said Tract 42, a distance of 228.24 feet; thence run West on a line parallel to the North line of said Tract 42 a distance of 40.22 feet; thence run South

on a line parallel to the East line of said Tract 42 a distance of 205.33 feet, more or less, to the North right-of-way line of State Road No. 80, as said right-of-way is conveyed by Deed recorded in Deed Book 1027, Page 398, of Public Records of Palm Beach County, Florida; thence run North $87^{\circ}58'25''$ West along said North right-of-way line of State Road No. 80 a distance of 110.53 feet to the West line of said Tract 42; thence run North along said West line of said Tract 42 a distance of 426.78 feet, more or less, to the Northwest corner of said Tract 42 and the Point of Beginning. TOGETHER with any right, title or interest of the Party of the first part in or to the land subject to the right-of-way of State Road No. 80 lying South of the parcel herein above described. Said property located on the north side of Southern Boulevard (S.R. 80), approximately 150 feet east of Benoist Farms Road was approved as advertised subject to the following conditions.

1. The property owner shall convey to Palm Beach County within ninety (90) days of approval 200 feet north of the north right-of-way line of the C-51 Canal, for the ultimate right-of-way for Southern Boulevard, approximately an additional 125 feet of right-of-way.
2. The developer shall contribute Eight Hundred and Fifty Dollars (\$850.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of building permits. —
3. The development must retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
4. The property owner shall grant a Quit Claim Deed or Drainage Easement to the Lake Worth Drainage District for the portion of "Tract 42, Block 6, Palm Beach Farms Company Plat No. 3, Plat Book 3, Pages 45-54", necessary for the E-2 Canal right-of-way.
5. The developer shall preserve significant native vegetation on this site.
6. Because of the potential for groundwater contamination only bathrooms in any industrial building on this site may be connected to the septic system. Floor drains, grease traps, and work area basins must be connected to an approved waste system in accordance with the regulations of appropriate environmental control agencies. Any evidence of paint, solvent, or petroleum products discharge into the septic system shall constitute a violation of the provisions of this approval.
7. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
9. Hours of operation shall be limited to the period between 8:00 a.m. and 8:00 p.m.
10. All vehicles shall be stored, parked or located only in designated and approved parking spaces and repairs shall be conducted only within designated and approved buildings.
11. The developer shall limit access to this property to Benoist Farms Road and to the north end of the property and shall construct a right turn lane on Benoist Farms Road at this entrance.

Commissioner Bailey, 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	- AYE
Dorothy Wilken, Member	- ABSENT
Bill Bailey, Member	- AYE

The foregoing resolution was declared duly passed and adopted this 19th day of July, 1983, confirming action of 28th April 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Lisa Croff
Deputy Clerk

APPROVE AS TO FORM AND
LEGAL SUFFICIENCY

John Corlett
County Attorney