

RESOLUTION NO. R-84-769

RESOLUTION APPROVING **ZONING PETITION** 82-167(A), 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. 82-167(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th January 1984; 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 development is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. With appropriate buffering and restrictions on loading activities and mechanical equipment, this development should not have any significant impacts upon adjoining property.

NOW, THEREFORE, **BE IT RESOLVED** BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day January 1984, that Petition No. 82-167(A) the petition of FLORIDA COAST OIL, INC., By Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-167, TO INCLUDE A TIRE SERVICE CENTER on the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East, less the Right-of-way for State Road No. 806 (West; Atlantic Avenue) as shown in Road Plat Book 3, Page 26. Together with

an easement over and across that part of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East, lying South of State Road No. 806 as shown in Road Plat Book 3, Page 26, said easement being more particularly described as follows:

Commence at the point of intersection of the South Right-of-Way line of said State Road No. 806 and the West line of the said East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14; thence North 89 degrees 36'28" East, along said South Right-of-Way line, 5.00 feet to the Point of Beginning; thence South, along a line 5.0 feet East of and parallel with West line of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, 605.32 feet to a point of curvature of a curve concave Northeasterly with a radius of 43 feet and a central angle of 90 degrees 42'48", thence Southeasterly, along the arc of said curve, 77.58 feet; thence North 83 degrees 17'12" East, along a line 20.0 feet North of and parallel with the South line of the said East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, 230.74 feet to a point of curvature of a curve concave Southwesterly with a radius of 10 feet and a central angle of 90 degrees; thence Southeasterly, along the arc of said curve, 15.71 feet; thence South 0 degrees 42'48" East 18.8 feet to the said South line of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14; thence North 83 degrees 17'12" East along South line, 24.0 feet; thence North 0 degrees 42'48" West 10.0 feet to a point of curvature of a curve concave Southwesterly with a radius of 34 feet and a central angle of 90 degrees; thence Northwesterly, along the arc of said curve, 53.41 feet; thence South 89 degrees 17'12" West 230.74 feet to a point of curvature of a curve concave Northeasterly with a radius of 25 feet and a central angle of 90 degrees 42'48"; thence Northwesterly, along the arc of said curve, 33.58 feet; thence North 320.48 feet; thence North 16 degrees 41'57" East 20.88 feet; thence North 135.84 feet; thence North 32 degrees 54'23" East 23.33 feet; thence North 58.0 feet to the said South right-of-way line of State Road No. 806; thence South 83 degrees 36'28" West, along said South right-of-way line, 43.8 feet to the said Point

of Beginning. Said property located on the south side of West Atlantic Avenue (S.R. 806), approximately .1 mile west of Military Trail (S.R. 809) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. This development shall retain onsite 188% of the stormwater runoff or shall provide legal positive outfall.
2. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a Paving & Drainage Permit issued from the office of the County Engineer:
  - a. Right turn lane, west approach, and a left turn lane, east approach, on Delray West Road at the project's west entrance.
  - b. A 24 ft. access road from Delray West Road to the project's south property line, per the County Engineer's approval, to provide access to the properties to the South.
  - c. 50 ft. of raised curb on both sides of the existing median at the project's east entrance.

3. Contribute a total of Forty-Three Thousand, Three Hundred and Seventy-Five Dollars toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of the issuance of building permits at the following rates:

General Commercial Use	\$1.25 per sq. ft. of building area
Office Use	\$.23 per sq. ft. of building area
Oil & Lube Facility	\$1,825.00
Tire Center	\$7,015.00

4. 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.

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

6. Prior to site plan certification, the proposed site plan shall be amended to reflect the following:

- a. Relocation of the proposed access easement along the south property boundary to provide for a ten foot-wide planting area adjacent to the south building wall;
- b. The south building wall shall be given an architectural treatment similar to the principal facades of the building and shall be supplemented by significant landscaping within the ten foot-wide planting area;
- c. The loading area is to be enclosed by a ten-foot high wing wall along the south side of the loading area
- d. Air conditioning and mechanical equipment is to be roof mounted and screened on the south by solid parapets; and
- e. The buffer area along the south property line is to contain one canopy tree per 20 feet

7. A 6 foot concrete wall shall be installed along the southern property line.

6. All Dumpsters shall be located on the Northern half of the property.

3. All loading and unloading activities shall be limited to between the hours of 7:00 A. M. and 10:00 P. M.

Commissioner Bailey , moved for approval of the petition.

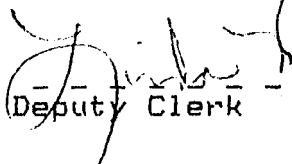
The motion was seconded by Commissioner Koehler  
and upon being put to a vote, the vote was as follows:

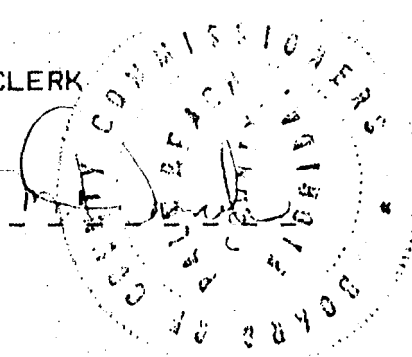
Ken Spillias, Chairman	-- AYE
Dorothy H. Wilken, Vice Chairman	-- AYE
Peggy B. Evatt, Member	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted **this 12th** day of **June** , 1984 , confirming action of 26th January 1984.

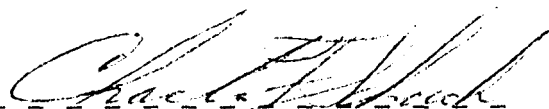
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk



APPROVED AS TO FORM  
FIND LEGAL SUFFICIENCY

  
County Attorney