

RESOLUTION NO. R-84-1238

RESOLUTION APPROVING ZONING PETITION 81-217(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. 81-217(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th of June 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 proposal is 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 the 28th of June 1984, the petition of PALM BEACH VENTURES, INC. & LAKE WORTH DRAINAGE DISTRICT By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE SITE PLAN FOR AN AUTOMOTIVE SALES LOT AND REPAIR FACILITY PREVIOUSLY APPROVED UNDER ZONING PETITION **NO.** 81-217 TO INCLUDE A RESTURANT on a parcel of land in the South 1/2 of Lot 4, Block 2, Palm Beach Plantations, in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 10, Page 20, being more particularly described as follows:

Commencing at the Southeast corner of said Lot 4; thence on an assumed bearing of due West, (all other bearings related thereto) along the South line of said Lot 4, a distance of 50.03 feet to the Point of Beginning; thence continue due West, a distance of 150 feet; thence bear North 02 degrees 39'45" West, a distance of 166.68 feet;

thence bear North 89 degrees 59'45" East, a distance of 10.05 feet; thence bear North **02** degrees 39'45" West, a distance **of** 117.97 feet to the beginning of a curve concave to the Southeast, having a radius of **34** feet and a central angle of 92 degrees **38'53"**; thence bear Northerly and Easterly, along the arc of said curve, a distance of 54.98 feet to the end of said curve; thence bear North 89 degrees 59'07" East, along a line tangent to said curve, a distance of 4.34 feet; thence bear South 02 degrees 39'46" East, a distance of 83.08 feet; thence bear North 89 degrees 59'07" East, a distance of 100 feet; thence bear South 02 degrees 39'52" East, a distance of 236.31 feet to the Point of Beginning, less the Easterly 3 feet thereof for additional right-of-way for Military Trail, together with:

a parcel of land in Section 12, Township 44 South, Range 42 East, said parcel lying and being South of and adjacent to the South line of Lot 4, Block 2, Palm Beach Plantations, as recorded in Plat Book 10, Page 20, said parcel also being part of Lake Worth Drainage District Lateral No. 7 canal right-of-way, and being more particularly described as follows:

Commencing at the Southeast corner of said Lot 4; thence on an assumed bearing of due West (all other bearing related thereto) along the South line of said Lot 4, a distance of 53.03 feet to the Point of Beginning; (said Point of Beginning also being in the West right-of-way line of Military Trail); thence continue due West a distance of 147.40 feet; thence South 2 degrees 39'45" East, a distance of 70.08 feet to the South line of Lake Worth Drainage District Lateral No. 7 Canal right-of-way; thence East along South line of said Canal Right-of-Way a distance of 147.0 feet to the West right-of-way of Military Trail; thence North 2 degrees 39'52" West along the West right-of-way line of Military Trail a distance of 70.08 feet to the Point of Beginning. Said property located on the west side of Military Trail (S.R.809), approximately .2 mile north of Forest Hill Boulevard in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. 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.

2. The property Owner shall convey for the ultimate right of way of Military Trail, 60 feet from centerline approximately an additional 7 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. This right of way is required for the relocation of utility poles along Military Trail.

3. The Developer 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. Presently The Fair Share Fee for this project is \$17,988.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee this amount shall be credited toward the increased Fair Share Fee.

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.

Commissioner Koehler, 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:

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

The foregoing resolution was declared duly passed and adopted this 11th day of September, 1984 confirming action of the 28th of June 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

4: 00 PM

BY: Starlene Harris
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney