

RESOLUTION NO. R-84-1296

RESOLUTION APPROVING ZONING PETITION 84-70, 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, Palm Beach County Zoning Code, Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-70 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 has made the following findings of fact:

1. The proposal is consistent with the requirements of the Comprehensive Plan, and with a minor modification to the site plan, is consistent with the requirements of the Zoning Code.
2. The project site is surrounded by several churches, a cemetery, and professional offices. Additional conditions are necessary as part of the special exception approval to mitigate the negative visual impact of this auto service station use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of June, 1984, that the Petition of MERRILL B. RIBLETT JR. AND BEVERLY C. RIBLETT, By Alan J. Ciklin, Agent, for the SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION on Lots 1, 2, and 3, Plat of Pine Division Subdivision in Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 23, Page 146. Said property located on the northeast corner of the intersection of 10th Avenue North and Kirk Road, being bounded on the East by Ford Street, was approved as advertised, subject to the following conditions:

1. Prior to certification of the site plan by the Site Plan Review Committee, the site plan shall be amended to reflect the following:

- a. the required handicapped parking space.
  - b. in addition to the required six (6) foot solid wall shown on exhibit number 10, a continuous 30"-36" hedge shall be between the property line and the wall, supplemented with 10'-12' canopy trees, planted twenty (20) feet on center.
2. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
  3. The property owner shall convey for the ultimate right of way for 10th Avenue North, 54 feet from centerline, approximately an additional fourteen (14) feet within ninety (90) days of Special Exception approval. Conveyance must be accepted by Palm Beach County prior to the issuance of the first Building Permit.
  4. The developer shall pay a fair share fee in the amount and manner required by "The Fair Share Contribution for Roadway Improvements Ordinance" as it presently exists or may from time to time be amended. Presently the Fair Share Fee for this project is \$10,600.00.
- 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.
5. Reasonable precautions shall be exercised during site development to insure that fugitive **particulates** (dust particles) do not become a nuisance to neighboring properties.
  6. Reasonable measures shall be employed during site development to insure that no pollutants from this project shall enter adjacent or nearby surface waters.
  7. The underground fuel storage tanks shall be installed to provide for maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.
  8. No vehicular repairs shall be permitted on this site.
  9. Restrooms accessible to the public shall be provided.

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 H. WILKEN, VICE-CHAIRMAN	-- AYE
PEGGY B. EVATT	-- AYE
DENNIS P. KOEHLER	-- AYE
BILL BAILEY	-- AYE

The foregoing Resolution was declared duly passed and adopted this 11<sup>th</sup> day of September, 1984, confirming action of the 28th of June, 1984.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

R.W. Carlson, Jr.  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Charlene Harris  
DEPUTY CLERK