

RESOLUTION NO. R- 85-579

RESOLUTION APPROVING ZONING PETITION 84-189, 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. 84-189 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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. Having obtained variance relief, this proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFOKE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 4th of January 1985, that Petition No. 84-189 the petition of JOHN I. WEIITWORTH By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL SALES AND SERVICE ENTEKPRISE, INCLUDING ACCESSORY BUILDINGS AND STRUCTURES being a parcel of land in Tract 101, Block 51, Palm Beach Farms Plat No. 3, in Sections 19 & 30, Township 45 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, said parcel being more particularly described as follows:

Beginning at the Northwest corner of said Tract 101; thence North 89 degrees 04'52" East along the North line of Tract 101, a distance of 258.35 feet; thence South 01 degree 00'49" East, 429.74 feet to the Northwest corner of a parcel of land as described in a warranty deed

dated January 25, 1963 and recorded in Official Record Book 1075, Page 377, thence South 00 degree 53'24" East along the West line of said parcel as described by said deed, 200.00 feet to the Northerly Right-of-Way line of State Road 804 (Boynton West Road) as shown on the S.R.D. Right-of-Way Map No. 9364-152 and recorded in Road Book 2, Page 3; thence South 89 degrees 06'36" West along said Northerly Right-of-way line, 258.00 feet to the West line of Tract 101; thence North 01 degree 00'23" West along the West line of Tract 101, 629.61 feet to the Point of Beginning. Said property located on the north side of Boynton West Road, approximately .1 mile east of U.S. 441 (S.R. 7) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
2. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
3. 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.
4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
5. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
7. The property owner shall convey for the ultimate right of way of Boynton Beach Boulevard, 120 feet north of the existing south right of way line of Boynton Beach Boulevard, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
8. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer on Boynton Beach Boulevard at the project's entrance road a Left Turn Lane, West Approach.
9. 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 \$1,288.00.

Commissioner OWENS , moved for approval of the

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Janet Sprague  
County Attorney