

RESOLUTION NO. R-85-945

RESOLUTION APPROVING ZONING PETITION 81-109(C), 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. 81-109(C) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 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. This 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 25th of April 1985, that Petition No. 81-109(C) the petition of SHELL OIL COMPANY By Lee Starkey, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A LARGE SCALE COMMUNITY SHOPPING CENTER, IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA AND A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NOS. 81-109 AND 81-109(B), TO INCLUDE AN AUTOMOBILE SERVICE STATION, INCLUDING GASOLINE PUMP ISLAND FACILITIES AND A CAR WASH on a parcel of land lying in the Northeast 1/4 of Section 22, Township 46 South, Range 42 East, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 22; thence South 02 degrees 09'32" East along the East line of the Northeast 1/4 of

the Northwest 1/4 of the Northeast 1/4 of said Section 22, a distance of 66.2 feet to a point on the South right-of-way line of Delray West Road (SR 806) as now laid out and in use; thence South 89 degrees 15'41" West along said South Right-of-Way line a distance of 520.00 feet to the Point of Beginning of this description:

thence South 00 degree 44'19" East a distance of 200.00 feet;

thence South 89 degrees 15'41" West a distance of 220.00 feet;

thence North 00 degree 44'19" West a distance of 175.00 feet;

thence North 44 degrees 15'41" East a distance of 35.36 feet to a point on the said South right-of-way line of Delray West Road;

thence North 89 degrees 15'41" East along said South Right-of-Way line a distance of 195.00 feet to the Point of Beginning. Said

property located on the south side of Delray West Road (S.R. 806), approximately .1 mile east of Carter Road in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. 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.
4. 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.
5. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
6. The petitioner shall convey to the Lake Worth Drainage District the required right-of-way, eighty (80) feet in width, lying south of and adjacent to the south right-of-way line of Delray West Road for Lateral Canal No. 34, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.
7. 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.
8. This parcel shall not have direct access onto Delray West Road.
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 \$9,975.00.

10. The developer shall construct an eight (8) foot bicycle path along West Atlantic Avenue from Jog/Carter Road to Lakes of Delray Boulevard. This construction shall be completed prior to May 31, 1985.

11. Prior to site plan certification the proposed plan shall be amended to reflect 15 feet of landscape area along Atlantic Avenue in order to satisfy Condition #12 of Resolution 85-274.

12. The petitioner shall continue to be bound by the conditions of approval of the preceding petitions.

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

14. Hours of operation of uses located on this parcel shall be limited to 6:00 A.M. to 11:00 P.M.

15. All outdoor illumination shall be directed away from the residential areas.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Owens, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Larry J. [Signature]
County Attorney