

RESOLUTION NO. R-85-950

RESOLUTION APPROVING ZONING PETITION 84-64, 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. 84-64 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. 84-64 the petition of FRED KELLER, TRUSTEE, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land in the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 43 South, Range 43 East, being more particularly described as follows:

Begin at a point in the East line of the aforesaid Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of aforementioned Section 29, at a distance of 185 feet Southerly from the North line of said Section 29; thence Southerly along the said East line of the aforesaid Northwest 1/4 of the Northwest 1/4, a distance of 175 feet; thence Westerly parallel to the North line of the aforesaid Section 29, a distance of 346.89 feet; thence Northerly at right angles to the preceding course a distance of 75 feet. Thence Easterly parallel

to the North line of said Section 29, a distance of 200 feet; thence Northerly at right angles to the preceding course a distance of 100 feet; thence Easterly parallel to the North line of said Section 29, a distance of 148.40 feet to the Point of Beginning. Said property located on the west side of Church Street, approximately 100 feet south of Okeechobee Boulevard (**S.R.704**) was approved as amended subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the provision of twenty-one feet for the parallel parking and access drive located east of the existing structure or obtain variance relief.
2. 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.
3. The property owner shall convey for the ultimate right of way of Church Street, 30 feet from centerline approximately an additional 5 feet, 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.
4. The developer shall construct concurrent with a paving and drainage permit issued from the office of the County Engineer a Left Turn Lane, South approach, on Church Street at the project's entrance.
5. The Developer shall submit a proposed site plan indicating the proposed parking and turnout locations.
6. Any fuel or chemical storage tanks shall be installed, 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.
7. 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.
8. 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.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
10. A written agreement assigning the original petitioner's rights to Pentacostal Holiness Church, Inc., shall be submitted to the Zoning Division within fourteen (**14**) days of special exception approval.
11. The Developer shall pay a Fair Share Fee in the amount 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 **\$1.25** per square foot.

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	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

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 Beaupre  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney