

RESOLUTION NO. R-85-1436  
RESOLUTION APPROVING ZONING PETITION 84-145, 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 482.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-145 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 July 1985, that Petition No. 84-145 the petition of JANE C. KREUSLER By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOTIVE SERVICE STATION INCLUDING GASOLINE PUMP ISLAND FACILITIES on Lots 10 and 11 Meadow Park No. 2 in Section 8, Township 44 South, Range 43 East, as recorded in Plat Book 24, Page 230, Less that portion of Lot 10 conveyed to the State of Florida in Official Record Book 1271, Page 120, being more particularly described as follows:

Commencing at a point on the North-South 1/4 Section line of and 9.56 feet North 01 degrees 08'14 West of the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 8 run North 87 degrees 49'46" West a distance of 644.57 feet; thence North 02 degrees 10'14" East a distance of 53 feet to the beginning of a curve

concave to the Northwest and having a tangent bearing of South 87 degrees 49'46" East through said point; thence Easterly on said curve having a central angle of 39 degrees 06'10" and a radius of 1,855.18 feet a distance of 460.66 feet through an angle of 14 degrees 13'38" to the Point of Beginning and a point on the West line of said Lot 10; thence continue on the same curve to the left a distance of 146.59 feet through an angle, of 04 degrees 31'39" to a point on the East line of said Lot 10; thence South 01 degrees 08'14" East on said East line a distance of 13.58 feet to the Southeast corner of said Lot 10 and a point on a curve concave to the Northwest and having a tangent bearing of South 73 degrees 32'31" West through said point; thence Westerly on said curve and the Southerly line of said Lot 10, having a radius of 1,870.08 feet a distance of 146.59 feet through and angle of 04 degrees 29'29" to the Southwest corner of said Lot 10; thence North 01 degrees 08'14" West on the West line of said Lot 10, a distance of 13.30 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Forest Hill Boulevard and Fla-Mango Road, in a CG-General Commercial District

was approved as advertised subject to the following conditions:

1. Prior to site plan certification:

a) The gasoline dispensing pump island and overhead canopy shall be relocated to conform with the 50' and 25' respective front and side corner yard setback requirements, or variances shall be obtained from the Board of Adjustment.

b) The ultimate right-of-way dimension of Forest Hill Boulevard shall be revised from 54' to the 53' as shown on the survey of record.

c) The parking stall adjacent and nearest the east property line shall be relocated from within the required safe corner triangle, and the pavement shall be designed in such a way as to prevent vehicular parking and maneuvering within the area of the safe corner triangle.

d) The site plan shall be revised to show the required masonry wall along the north property line be placed a minimum of five (5) feet from said north property line, and additional trees shall be installed between the repositioned wall and the north property line at twenty (20) foot intervals on-center to reduce visual and noise impacts upon abutting residentially zoned properties.

e) In addition to condition d), a two and one half (2 1/2) foot landscape strip including a continuous hedge shall be established and maintained within the five (5) foot space created by positioning the C.B.S. wall interior to the north property line.

f) The parking space adjacent to and nearest the corner intersection of the north and east property lines shall be relocated to conform to the twenty foot backing space requirements pursuant to Zoning Code 500.17.J. (Notes), (Site Plan Requirements for Off-street Parking).

2) All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

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) 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. Underground fuel tanks shall be installed a minimum of one hundred (100) feet from any potable water supply wells.

6) Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-36, F.A.C.

7) The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

8) 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.

9) The property owner shall convey for the ultimate right-of-way of:

a) Forest Hill Boulevard, 54 feet from centerline,

b) Fla. Mango Road, 40 feet from centerline.

All within 90 days of adoption of the Resolution by the Board of County Commissioners and conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

10) The property owner 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. The Fair Share Fee for this project presently is \$22,182.

11) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section prior to the issuance of a Building Permit.

12) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Fla. Mango Road and a permit from the Florida Department of Transportation for access onto Forest Hill Boulevard.

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

14. The hours of operation on this site shall be limited from 6:00 a.m. to 12:00 midnight.

Commissioner \_\_\_\_\_, moved for approval of the petition. The motion was seconded by Commissioner \_\_\_\_\_, and

upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted  
this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean Tracy Ellington  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Jean Tracy Ellington  
County Attorney