

RESOLUTION NO. R-85-1947

RESOLUTION APPROVING ZONING PETITION 82-118(A), 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. 82-118(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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 PALMI BEACH COUNTY, FLORIDA, assembled in regular session this the 30th of September 1985, that Petition No. 82-118(A) the petition of HNK ASSOCIATES, INC., By Kieran Kilday, 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 INCLUDING A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-118 TO INCLUDE A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE-UP TELLER WINDOWS on a parcel of land situate in Section 12, Township 44 South, Range 42 East, being a portion of the boundary plat of lands in said Section 12, as recorded in Plat Book 28 at Page 227, being more particularly described as follows:

Commencing at the intersection of the Southerly right-of-way line of Forest Hill Boulevard (a right-of-way line 120.00 feet in width) with the Easterly line of the Villas of Palm Beach Plat No. 1, all

according to said Plat No. 1, as recorded in Plat Book 40 on Pages 198 and 199, thence South 88 degrees 46'16" East along the proposed and existing right-of-way line of said Forest Hill Boulevard, a distance of 287.59 feet to the Point of Beginning.

From the Point of Beginning and continuing along the proposed and existing right-of-way line of said Forest Hill Boulevard, a distance of 244.64 feet to the East line of those lands described on Official Record Book 3485 on Page 530; thence South 01 degree 13'44" West along said East line, a distance of 200.30 feet; thence North 88 degrees 46'16" West a distance of 209.64 feet to the beginning of a curve, having a radius of 35.00 feet from which a radial line bears North 01 degree 13'44" East, thence Northerly along the arc of said curve, subtending a central angle of 90 degrees 00'00", a distance of 54.98 feet; thence North 01 degree 13'44" East a distance of 165.30 feet to the Point of Beginning. Said property located on the south side of Forest Hill Boulevard approximately .2 mile west of Military Trail (S.R. 809) 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 Developer shall continue to comply with all previously approved conditions of Zoning Petition No. 82-118.
6. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner **Wilken**, 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:

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|--------------------------------|----|--------|
| Ken Adams, Chairman | -- | AYE |
| Karen'T. Marcus, Vice Chairman | -- | ABSENT |
| Kenneth Spillias, Member | -- | ABSENT |
| Jerry L. Owens, Member | -- | AYE |
| Dorothy Wilken, Member | -- | AYE |

The foregoing resolution was declared duly passed and adopted this 3rd day of **December 1985** confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Hickman
 Deputy Clerk



APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

Judy Sprague
 County Attorney

FILED THIS DAY OF
DEC 03 1985, 19

AND RECEDED IN
 MINUTE BOOK NO. AT
 PAGE, RECORD VERIFIED
 JOHN B. DUNKLE, CLERK
, RH D.C.