

RESOLUTION NO. R- 86-208

RESOLUTION APPROVING ZONING PETITION 76-70(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. 76-70(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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. With site plan modifications, this proposal will be 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 2nd of December 1985, that Petition No. 76-76(A) the petition of W.G. LASSITER, By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A GASLINE PUMP FACILITIES PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-71; TO DELETE THE GASOLINE PUMP FACILITIES AND TO ALLOW PROPANE GAS TANKS on Lots 44, less the North 20 feet and the South 48 feet thereof, together with Lots 45, 46, 47 and 48, less the South 40 feet of said Lots, and less the right-of-way of Congress Avenue and less that part of Lots 46, 47 and 48 previously conveyed by deed recorded in Official Record book 1683, Page 1549, and less additional right-of-way for Congress Avenue conveyed by deed recorded in Official Record Book 2244 at Page 1544, together with a portion of Lots 41, 42 and 43, described as follows:

Beginning at the intersection of a line parallel with and 20.0 feet South of the North line of Lots 41, 42 and 43 with the West line of Lot 43; run thence South 88 degrees 02'30" East along said parallel line, a distance of 186.75 feet; thence South 0 degree 00'53" East parallel with the West line of Lot 41, a distance of 142.41 feet; thence South 89 degrees 52'24" West, a distance of 153.87 feet, thence South 0 degree 07'36" East, a distance of 84.91 feet more or less to a line parallel with and 40 feet North of the South line of Lot 43; thence South 89 degrees 59'07" West along said parallel line, a distance of 32.55 feet to the West line of Lot 43; thence North 0 degree 00'53" West along the West line of Lot 43, a distance of 234.05 feet to the Point of Beginning. All in Lake Gsborne subdivision, in Hiatus, Township 44 1/2 South, Range 43 East, in Plat Book 5, Pages 42 and 43. Said property located on the south side of Lantana Road (S.H. 812) being bounded on the west by Conyress Avenue (S.R. 807) in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following;
 - a) Placement of the propane storage tanks outside of the existing paved area.
2. All previously approved conditions pursuant to Zoning Petition 76-70 shall remain in effect, unless superseded or modified herein.
3. 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 nay from time to time be amended. The Fair Share Fee for this project presently is \$670.00 (25 trips X \$26.79 per trip).
4. 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.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
6. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakaye, 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. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

9. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
10. Sales of fuel at this site shall be limited to propane.
11. If acceptable to all permissitiny agencies, the tanks shall be visually screened **from** Lantana Road.

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:

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 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA
 BY ITS LOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

Andy Grogan
 County Attorney