

RESOLUTION NO. R-84-342

RESOLUTION APPROVING ZONING PETITION 83-141, **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. 83-141 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December 1983; 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. The proposed Special Exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.
- E. Provided that this facility is adequately buffered from the adjoining residential development, this petition will not have any significant negative impacts upon adjoining properties or thoroughfares.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day December 1983, that Petition No. 83-141 the petition of HATTON PROPERTIES, INC., By Dwight R. Weyant, Agent, for a SPECIAL EXCEPTION TO ALLOW A GASOLINE PUMP ISLAND FACILITY on property located in Sections 25 and 26, Township 42 South, Range 36 East, more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 42 South, Range 36 East, thence South 0 degree 39'18" East 138 feet along the West line of said Section 25; thence North 89 degrees 07' 09" East 85.98 feet along a line parallel with the North line of said Section 25; thence at right angles to the preceding course, South 0 degree 52' 51" East 210 feet to the point of beginning of the hereinafter described

parcel; thence South 8 degree 52'51" East 187.00 feet; thence South 89 degrees 07'09" West 232.70 feet to a point on a curve concave to the Northeast, **having a radius** of 1835.88 feet, **from said point a radial line** bears North 86 degrees 10' 11" East ; thence **Northwesterly 187.08 feet along the** arc of said curve, through a central angle of 5 degrees 58' 28"; thence North 89 degrees 07' 09" East 232.79 feet to the Point of Beginning. Said property located on the east side of S. R. 715, approximately one (1) mile north of Morgan West Road was approved as advertised subject to the following conditions:

1. **This development shall retain onsite 85%** of the storm-water runoff generated by a three (3) year storm per requirements of the **Permit Section**, Land Development **Division**.
2. The **developer** shall construct a left turn lane, north approach and a **right turn lane** south approach on S. R. 715 at the **project's** entrance road concurrent with **onsite paving and drainage improvements** pursuant to a paving and drainage permit issued from the **Office of the County Engineer**.
3. The developer shall contribute Fifteen Thousand Four Hundred and **Fifty Dollars (\$15,450)** toward the cost of **meeting this project's direct and identifiable impact**, to be paid at the rate of: 81,663 per pump island and \$1.25 per square foot of general commercial area to be paid at the time of issuance of the **building** permit.
4. The **developer shall take reasonable precautions** during the development of **this** property to insure that fugitive particulates (dust particles) do not become **a nuisance to neighboring** properties.
5. The developer shall take necessary measures during the development of **this** property to prevent **pollutant** runoff to neighboring and nearby surface waters.
6. Within **60** days of notification by the **Health Department** that connection to the Pahokee **sanitary sewer** system is available, this **development shall be connected to that system**.
7. Prior to **site plan certification**, the **site plan shall** be amended to **provide for a berm and landscaping section a minimum of six feet in height within** the island south of the **gasoline** pump islands.
8. **At least 35 mobile** homes must be **occupied prior to** any occupancy of the **commercial site**.
9. Plans for the installation of underground storage tanks **shall be approved by the Health Department** prior to the **issuance** of the **Building Permit**.

Commissioner Wilken , moved for approval.


of the petition. The motion was seconded by Commissioner Koehler , and **upon being put to a vote, the vote was as follows:**

Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dermis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of March, 1984, confirming action of 1st December 1983.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:  -----  
 Deputy Clerk

APPROVED AS TO FORM  
 FIND LEGAL SUFFICIENCY

 -----  
 County Attorney