

RESOLUTION NO. R-85-1443

RESOLUTION APPROVING ZONING PETITION 85-78, 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. 85-78 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. With minor modifications to the site plan, 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 25th of July 1985, that Petition No. 85-78 the petition of CHEVRON DEVELOPMENT By Kieran Kilday, Agent for a SPECIAL EXCEPTION TO ALLOW **A** TIRE STORE on that part of Tract 20 of the Subdivision of the North 1/2 of Section **24**, Township **44** South, Range **42** East, as recorded in Plat Book 5, Page **76**, bounded as follows:
On the South by the North line of Kenwood **as** recorded in Plat Book 3, Pages 44 and 45; on the North by the South Right-of-way line of 10th Avenue North; on the West by the Northerly extension of the East line of Lot 1166 Kenwood; and on the East by the Northerly extension of the Center line of Fairway Avenue as shown on the plat of Kenwood, together with:
That part of Tract 19, Model Land Company Subdivision, Section 24,

Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 76; lying South of the Right-of-way of 10th Avenue North as conveyed to the County of Palm Beach, in Official Record Book 1701, Page 412; North of the Plat of Kenwood, as recorded in Plat Book 3, Page 45 and East of the Northerly extension of Fairway Avenue, as shown on said Plat of Kenwood, LESS the East 390 feet of said Tract 19,

*NOTE: Description shown is per Order Book 2155, Page 933, however, to correctly identify property "East of Northerly extension of Fairway Avenue", should read "East of Northerly extension of centerline of Fairway Avenue." Together with:

Lots 1161, 1162, 1163, 1164, 1165 together with that part of the West 1/2 of Fairway Avenue lying East of Lot 1161 as shown on the Plat of Kenwood, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court, in Plat Book 3, Pages 44 and 45. Said property located on the south side of 10th Avenue North, approximately 450 feet east of Military Trail (S.R. 809), and being bounded on the south by Weymouth Road was approved as advertised subject to the following conditions:

- 1) Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Fifteen (15) foot minimum side interior setback or obtain variance relief from the Board of Adjustment.
 - b) Fifty (50) foot minimum front yard setback from Weymouth Road, pursuant to Zoning Code Section 610.D. (Property Development Regulations), or obtain variance relief from the Board of Adjustment.
- 2) The required six (6) foot solid masonry wall shall be located five (5) feet inside the project boundary, along the two (2) southeastern property lines abutting the adjacent single family residential neighborhood.
- 3) A five (5) foot minimum landscape strip shall be installed to the exterior side of the required six (6) foot solid masonry wall, with 10 - 12 foot high canopy trees planted twelve (12) feet on center along property lines, and abutting residentially zoned areas.
- 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, 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) The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

9) 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.

10) The property owner shall convey for the ultimate right-of-way of 10th Avenue North, 54 feet from centerline (approximately an additional 14 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.

11) 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 \$2,867.

12) Access to the site shall be restricted to 10th Avenue North.

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

14) The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

15) To prevent this project from becoming a nuisance to adjacent residential property, soundproofing of activities conducted within all structure shall be accomplished in accordance with the standards set forth in Section 500.16 Performance Standards. B.1.2.3. of the Zoning Code of Palm Beach County, Florida.

Commissioner [redacted], moved for approval of the petition. The motion was seconded by Commissioner [redacted], and upon being put to a vote, the vote was as follows:

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

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: Jonathan Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Lucy Dupre
County Attorney