

RESOLUTION NO. R- 87-423

RESOLUTION APPROVING ZONING PETITION 86-97, 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. 86-97 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 1986 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 required 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 ~~24th~~ day of ~~March~~, 19~~87~~, that: Petition No. 86-97, the petition of JOSEPHINE J. FLNSNESS for a SPECIAL EXCEPTION TO ALLOW THE BULK STORAGE OF GAS on a parcel of land in Section 25, Township 42 South, Range 42 East, more particularly described as follows: he East 512 feet of the West 882 feet of the Southwest 1/4 of said Section 25 lying South and West of the Southerly Right-of-way line of the Florida Western and Northern Railway Company (Seaboard Airline Railway Company) LESS the South

712.93 feet thereof, and ~~LESS~~ that portion conveyed to the County of Palm Beach for the Right-of-way of 49th Terrace by Quit-Claim Deed dated May 27, 1970, and recorded in Official Record Book 1844, Page 388. Together with a reserved Easement and Right-of-way for all purposes of Ingress, Egress and travel over the following portions of Sections 25 and 36 to wit: ~~A~~ that part of the East 30 feet of the West 912 feet of Section 25 which lies South and West of the Southwesterly Right-of-way line of Seaboard Airline Railway Co. and the East 30 feet of the West 912 feet of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 36. Grantor hereby reserves an Easement for Ingress and Egress over and upon that portion of the West 96 feet of the above described parcel of land in Section 25, Township 42 South, Range 42 East, containing the existing railroad spur to the Seaboard Airline Railroad tracks lying North of the above described property, for the purpose of Ingress and Egress to, from and across the existing railroad spur to the Seaboard Airline Railroad tracks lying North of the above described property. Further, Grantor, its Successors and Assigns agrees that its use of the railroad spur ~~will~~ never interfere with Grantee's Ingress and Egress to and from the property, which covenant shall be enforceable by Grantee, its successors and assigns. Also known as Parcels 1 through 4, inclusive as described below:

Parcel 1:

A parcel of land in Section 25, Township 42 South, Range 42 East, more particularly described as follows: Commence at the Southeast corner of the parcel described above, said Point Of Commencement being located 712.93 feet North of, as measured at right angles to, the South line of said Section 25 and 882.00 feet East of, as measured at right angles to, the West line of said Section 25; thence North 88 degrees 06' 34" West along a line parallel with and 712.93 feet North of, as measured at right angles to, said South

line of Section 25 a distance of 188.62 feet to the Point of Beginning of Parcel 1; Thence North 88 degrees 06'34" West continuing along aforesaid parallel line a distance of 315.25 feet to a point on the Easterly Right-of-way line of 49th Terrace as described in Official Record Book 1844, Page 388; thence North 02 degrees 16'39" East along said Easterly Right-of-way line a distance of 138.18 feet to a point on a line parallel with and 851.11 feet North of, as measured at right angles to, the South line of said Section 25; thence South 88 degrees 06'34" East along the last-described parallel line a distance of 315.25 feet to a Point on a line parallel with and 315.24 feet East of, as measured at right angles to said Easterly Right-of-way line of 49th Terrace; thence South 02 degrees 16'39" West along the last-described parallel line a distance of 138.18 feet to the Point of Beginning. Together with:

Parcel 2:

A parcel of land in Section 25, Township 42 South, Range 42 East, more particularly described as follows: Commence at the Southeast corner of the parcel described above, said point of Commencement being located 712.93 feet North of, as measured at right angles to the South line of said Section 25, and 882.00 feet East of, as measured at right angles to, the West line of said Section 25; thence North 88 degrees 06'34" West along a line parallel with and 712.93 feet North of, as measured at right angles to, said South line of Section 25 a distance of 188.62 feet to a point on a line parallel with and 315.24 feet East of, as measured at right angles to, the Easterly Right-of-way line of 49th Terrace as described in Official Record Book 1844, Page 388; thence North 02 degrees 16'39" East along the last-described parallel line a distance of 138.18 feet to a point on a line parallel with and 851.11 feet North of, as measured at right angles to the South line of said Section 25, said point also being the Point of Beginning of Parcel 2; Thence

North 88 degrees 06'34" West along the last-described parallel line a distance of 315.25 feet to a point on said Easterly Right-of-way line of 49th Terrace; thence North 02 degrees 16'39" East along said Easterly Right-of-way line a distance of 138.18 feet to a point on a line parallel with and 989.28 feet North of, as measured at right angles to the South line of said Section 25; thence South 88 degrees 06'34" East along the last-described parallel line a distance of 315.25 feet to a point on a line parallel with and 315.24 feet East of, as measured at right angles to, said Easterly Right-of-way line: thence South 02 degrees 16'39" West along the last-described parallel line a distance of 138.18 feet to the Point of Beginning.

Parcel 3:

A parcel of land in Section 25, Township 42 South, Range 42 East, more particularly described as follows: Commence at the Southeast corner of the parcel described above, said Point of Commencement being located 712.93 feet North of, as measured at right angles to, the South line of said Section 25 and 882.00 feet East of, as measured at right angles to, the West line of said Section 25; thence North 02 degrees 02'59" East along a line parallel with and 882.00 feet East of, as measured at right angles to, the West line of said Section 25 a distance of 168.31 feet to a point on the Southwesterly Right-of-way line of the Seaboard Airline Railway Company Right-of-Way; thence North 53 degrees 18'05" West along said Southwesterly Right-of-way line a distance of 189.28 feet to the Point of Beginning of Parcel 3; Thence North 88 degrees 06'34" West along a line parallel with and 989.28 feet North of, as measured at right angles to, the South line of said Section 25 a distance of 347.06 feet to a point on the Easterly Right-of-way line of 49th Terrace as described in Official Record Book 1844, Page 388; thence North 02 degrees 16'39" East along said Easterly Right-of-way line a distance of 21.33 feet to a point on the North

line (terminating line) of said 49th Terrace: thence North 87 degrees 43'21" West along said North line a distance of 9.32 feet to a point on a line parallel with and 370.00 feet East of, as measured at right angles to, the West line of said Section 25; thence North 02 degrees 02'59" East along the last described parallel line a distance of 225.83 feet to a point on said Southwesterly Right-of-way line of the Seaboard Airline Railway Company Right-of-Way; thence South 53 degrees 18'05" East along said Southwesterly Right-of-way line a distance of 433.10 feet to the Point of Beginning. Together with:

Parcel 4:

A parcel of land in Section 25, Township 42 South, Range 42 East, more particularly described as follows: Begin at the Southeast corner of the parcel described above, said Point of Beginning being located 712.93 feet North of, as measured at right angles to, the South line of said Section 25 and 882.00 feet East of, as measured at right angles to, the West line of said Section 25; thence North 88 degrees 06'34" West along a line parallel with and 712.93 feet North of, as measured at right angles to, said South line of Section 25 a distance of 188.62 feet to a point on a line parallel with and 315.24 feet East of, as measured at right angles to, the Easterly Right-of-way line of 49th Terrace as described in Official Record Book 1844, Page 388; thence North 02 degrees 16'39" East along the last-described parallel line a distance of 276.36 feet to a point on a line parallel with and 989.28 feet North of said South line of Section 25; thence South 88 degrees 06'34" East along the last described parallel line a distance of 31.81 feet to a point on the Southwesterly Right-of-way line of the Seaboard Airline Railway Company Right-of-way; thence South 53 degrees 18'05" East along said Southwesterly Right-of-way line a distance of 189.28 feet to a point on a line 882.00 feet East of, as measured at right angles to, said West line of Section 25; thence South 02 degrees 02'59"

West along the last-described parallel line a distance of 168.31 feet to the Point of Beginning.

Said property located on the west side of 46th Terrace North (Interpage Road), approximately .3 mile north of Dyer Boulevard, and being bounded on the north by the Seaboard Airline Railroad and on the west by 49th Terrace in an IL-Light Industrial 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 square footage of the "covered cylinder dock".
2. The application and engineering plans, calculations etc. to construct well and septic tank must be submitted to the Health Department prior to site plan approval.
3. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
4. The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, 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. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. In the event that the drainage system is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
5. The property owner shall construct 46th Terrace from the existing paved terminus north of Dyer Boulevard north to the project's entrance road (minimum 2-10 foot travel lanes).
6. 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 \$7,823.00 (292 trips X \$26.79 per trip).

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

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

• PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: Jina M. Eldering
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney