

RESOLUTION NO. R-83-791

RESOLUTION APPROVING ZONING PETITION 83-25, **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. 83-25 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th April 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 Comprehensive Plan and Mandatory Performance Standards.
2. The proposed development plan meets all property development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1983, that Petition No. 83-25 the petition of SCOTTY'S INC., By Jim Watson, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4, and the North 5.0 feet of the West 36.19 feet of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East. Said property located on the south side of Atlantic Avenue (S.R.806) approximately 100 feet west of Whatley Road, was approved as advertised subject to the following conditions:

1. The site plan shall be redesigned to provide that only customer parking, retention, and landscape areas shall be adjacent to the residential development to the south and east.
2. Storage, truck loading and dumpster areas shall be separated from the nearby residential areas by buildings and wing-walls to provide effective noise and visual buffering.

3. The development must retain on-site 85% of the stormwater runoff generated by the three year storm per the requirements of the County Engineer's Land Development Division Permit Section.
4. The property owner shall convey to Palm Beach County, within ninety (90) days of approval, 60 feet from centerline for the ultimate right-of-way for West Atlantic Avenue approximately an additional 7 feet of right-of-way.
5. The property shall not be permitted a median opening on West Atlantic Avenue.
6. The developer shall contribute Fifteen Thousand Dollars (\$15,000) toward the cost of meeting this project's direct and identifiable impact.
7. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
8. The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.
9. The property owner shall obtain a ~~cross-access~~ agreement from the owners of the abutting shopping center prior to site plan certification.

Commissioner Bailey, moved for approval of the petition.

The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this **19th** day of **July**, **1983**, confirming action of 28th April 1983.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Lisa Cropp*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

John Gallett
 County Attorney