

RESOLUTION NO. R-83-1070

RESOLUTION APPROVING ZONING PETITION 78-287(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 4412.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 78-207 (A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23rd. June 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 Land Use Plan and Mandatory Performance Standards of the Comprehensive Plan.
2. Provided certain site plan changes are implemented, the proposed use can be safely accommodated to this site in a manner compatible with abutting roadways and properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 23rd day June 1983, that Petition No. 78-207 (A) the petition of MOBIL OIL CORPORATION By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-207 TO ALLOW A GASOLINE SERVICE STATION on Lots 80 through 94 inclusive, a Portion of Lots 61 through 73 inclusive, a portion of Orange Avenue, and a portion of the Walkway adjacent to Lots 93 and 94, "Re-plat of Arcanum", as recorded in Plat Book 23, Page 33, in Section 36, Township 44 South, Range 42 East, being more particularly described as follows: Commence at the Southeast corner of Lot 79, "Replat of Arcanum", as record in Plat Book 23, Page 33, and run on an assumed bearing of North 2°24'14" East along the boundary of said Lot 79 for 14.00 feet to the Point of

Beginning; thence run North 88°07'31" West along a line parallel with and 14.00 feet North of as measured at right angles to the North right of way line of Lantana West Road, as shown on said Plat "Re-plat of Arcanum" for a distance of 143.45 feet; thence run North 52°05'26" West for 28.79 feet; thence run North 17°49'21" West along a line parallel with and 10.00 feet East of as measured at right angles to the East right of way line of Military Trail (S.R.809) as shown on said Plat "Re-plat of Arcanum" for a distance of 78.29 feet to a point of curvature; thence run Northwesterly along a circular curve to the right and concave to the Northeast having a radius of 2804.93 feet and a central angle of 3°44'45" for an arc distance of 183.38 feet to a point of non-tangency; said point bearing South 75°55'24" West from the radius point of the last described curve; thence run South 87°39'24" East along the South right of way line of Orange Avenue being coincident with the North boundary of Lot 77 for a distance of 146.94 feet; thence run South 2°24'14" West along the West right-of-way line of Orange Avenue being coincident with the East boundary of Lot 77 for a distance of 10.00 feet to a point, said point being 8.75 feet North of the South boundary of Lot 77; thence run South 87°15'20" East for 40.00 feet to a point on the East right of way line of Orange Avenue, also being coincident with the West boundary of Lot 88, said point being 12.65 feet North of the South boundary of Lot 88; thence run North 2°24'14" East along the East right of way line of Orange Avenue being coincident with the West boundary of Lots 89, 90 and 91, and a portion of Lot 88 for 46.03 feet to the Northwest corner of Lot 91; thence run North 87°35'46" West along the Westerly extension of the North boundary of Lot 91 for 4.24 feet; thence run North 47°22'09" West along a line parallel with the Westerly boundary of Lot 92; said line also being the center of a six (6) foot walkway as shown on said Plat "Re-plat of Arcanum" for 20.80 feet to a point of intersection with the Southerly extension of the West boundary of Lot 94; thence run North 2°24'14" East along the Southerly extension of the West boundary of Lot 94 and the West boundary of Lot 94 for a distance of 54.57 feet to the Northwest corner of said Lot 94; thence run South 87°39'24" East along the North boundary and Easterly extension of the North boundary of Lot 94 for a distance of 54.62 feet; thence run South 2°24'14" West along the Northerly extension of the East boundary of Lot 93 and the East boundary of Lots 93 through 80 inclusive and a portion of Lot 79 for a distance of 367.78 feet to the Point of Beginning. Said property located the northeast corner of the intersection of Lantana West Road and Military

Trail (S.R.809) in an CG-General Commercial District was approved as advertise subject to following conditions:

1. The development must 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. This development will be permitted only one access point onto Military Trail. Additional access may be permitted onto Orange Avenue Only.
3. In order for access onto Orange Avenue to be permitted the developer must construct concurrent with on-site paving and drainage improvements as permitted by the Office of the County Engineer;  
Orange Avenue from Military Trail east to the project's entrance.
4. The developer shall contribute Ten Thousand Two Hundred and Fifty Dollars (\$10,250.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
5. 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.
6. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
7. The site plan shall be revised to reflect a six foot high solid wall along the existing eastern and northern property boundary as indicated at the public hearing.
8. The orientation of the store and pump islands shall be so situated in order to ease turning radii for traffic entering from Lantana Road.
9. The dumpster enclosure shall be regulated to the north-west portion of the property and shall include solid screening and a gate 6' in height.
10. Outdoor speakers shall be regulated so as not to be audible from off-site and on-site consumption of convenience store merchandise shall not be permitted.
11. Hours of operation shall be limited to the time between 6:00 a.m. to 11:00 p.m.
12. No automotive repair shall be permitted on this site.

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

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

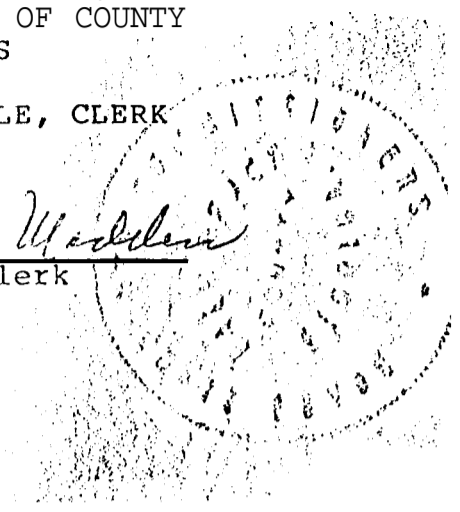
The foregoing resolution was declared duly passed and adopted this day of SEP 13, 1983, confirming action of

23rd. June 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Judy Maddala*  
Deputy Clerk



APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John B. Dunkle*  
County Attorney