

RESOLUTION NO. R- 83-1097

RESOLUTION APPROVING ZONING PETITION 83-29, SPECIAL EXCEPTION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 125 and Chapter 163, 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. 83-29 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on July 28, 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 has made the following findings of fact:

1. The proposal is permitted under the provisions of the Comprehensive Plan and Mandatory Performance Standards.
2. Although approval of this request would result in higher costs for condemnation of this property for right-of-way requirements, the Developer has voluntarily offered a Declaration of Restrictive Covenant concerning the dedications and reservations of rights-of-way and their impact on the resulting remainder of the property, as recorded in the Public Records of Palm Beach County, Book 4002, Page 686.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of July, 1983, that Petition 83-29, the petition of Jane C. Kreuzler, by Jim Watson, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION on a parcel of land located in Section 1'3, Township 42 South, Range 42 East, being more particularly described as follows: Beginning at a point where the East right-of-way line of Military Trail intersects the North right-of-way line of Northlake Boulevard (Lake Park Road) and running North along the East right-of-way line of Military Trail 150 feet to a point; thence East, parallel to the North right-of-way line of Northlake Boulevard (Lake Park Road) 150 feet to a point; thence at

an interior angle of $89^{\circ} 41' 30''$ run south, parallel to the East right-of-way line of Military Trail, 150 feet to a point in the North right-of-way line of North Lake Boulevard (Lake park Road); thence West along the North right-of-way line of North Lake Boulevard (Lake park Road) 150 feet to Point of Beginning. Less the Westerly 3 feet thereof; Also less a triangular shaped piece of land in the above described parcel being more particularly described as follows: Commence at the south $1/4$ corner of said Section 13; thence south $88^{\circ} 08' 44''$ East, a distance of 73.38 feet; thence North $01^{\circ} 51' 16''$ East, a distance of 50 feet to the Point of Beginning; thence North $42^{\circ} 59' 34''$ West, a distance of 28.36 feet; thence South $02^{\circ} 09' 36''$ West, along a line 3 feet Easterly of and parallel to the West line of the aboved described parcel, a distance of 20.11 feet; thence south $88^{\circ} 08' 44''$ East, a distance of 20.11 feet to the Point of Beginning. Said property located on the northeast corner of the intersection of Northlake Boulevard and Military Trail (S.R.809) in an CN-Neighborhood Commercial District was approved as advertised subject to the following conditions:

1. The property owner shall convey to Palm Beach County, within 120 days of written demand:
 - a) 80 feet from centerline for the ultimate right-of-way for Northlake Boulevard, approximately an additional 18 feet of right-of-way.
 - b) 60 feet from centerline for the ultimate right-of-way for Military Trail, approximately 7 feet of right-of-way.
2. The property owner shall reserve the additional right-of-way as required in the Thoroughfare Right-of-Way Protection Map for the "Special Intersection":
 - a) An additional 8 feet of right-of-way for Northlake Blvd.
 - b) An additional 4 feet of right-of-way for Military Trail.
3. The developer shall contribute Three Thousand Three Hundred and Twenty-Five Dollars plus \$1.25 per square foot for the, proposed kiosk, toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
4. 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.
5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
6. 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.

Commissioner Bailey, 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:

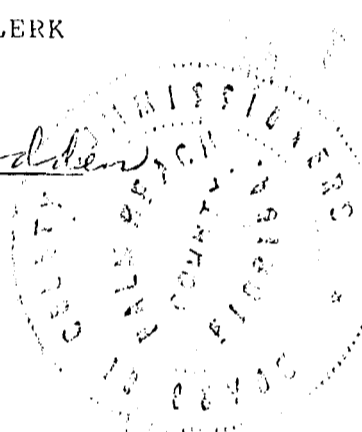
Peggy E. Ivatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of SEPT., 1983, confirming action of 28th July 1983.

PALM BEACH COUNTY, FLORIDA
BY I T S BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Trudy Maddison
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Callett
County Attorney