

RESOLUTION NO. R-83-1111

RESOLUTION APPROVING ZONING PETITION 83-97, 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. 83-97 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th July 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 rezoning and special exception are consistent with the requirements of the Comprehensive Plan.
2. With minor revision to the site plan, the property can be developed for the intended use meeting all property development regulations.
3. With proper screening this property should not have any adverse impact upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day July 1983, that Petition No. 83-97 the petition of UNITED FUNERAL SERVICES, INC., by Alan J. Ciklin, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Southwest corner of said Section 14; thence South 39° 42' 03" East (assumed), along the South line of said Section 14, a distance of 1123.94 feet to a point in a line 215.00 feet West of, as measured at right parallel with the East line of the Southwest 1/4 of

the Southwest 1/4 of said Section 14; thence North  $0^{\circ}24'27''$  East, along said parallel line, a distance of 1961.52 feet to a point in the Southerly right-of-way line of State Road No. 806, as recorded in Road Plat Book 3, Page 25; thence Southwesterly, along the said Southerly right-of-way line of State Road No. 806, being a curve concave to the Southeast, having a radius of 1751.73 feet and a chord bearing of South  $51^{\circ}43'05''$  West, a distance of 287.00 feet; thence South  $27^{\circ}58'32''$  East, a distance of 75.03 feet to a point of curvature of a curve concave to the West having a radius of 5.00 feet and a central angle of  $28^{\circ}22'59''$ ; thence Southerly, along the arc of said curve, a distance of 2.48 feet to a point in a line 402.50 feet West of, as measured at right angles, and parallel with the said East line of the Southwest 1/4 of the Southwest 1/4 of Section 14, thence South  $0^{\circ}24'27''$  West along said parallel line, a distance of 231.00 feet to the Point of Beginning; thence North  $89^{\circ}35'33''$  West a distance of 199.00 feet to a line 592.50 feet West of, as measured at right angles, and parallel with the said East line of the Southwest 1/4 of the Southwest 1/4 of Section 14; thence North  $0^{\circ}24'27''$  East, along said parallel line a distance of 129.3 feet, thence North  $33^{\circ}12'09''$  East a distance of 47.9 feet to the said Southerly right-of-way line of State Road No. 806; thence South  $44^{\circ}08'14''$  West, along said Southerly right-of-way line, 392.25 feet to a line 566.76 feet East of and parallel with the West line of said Section 14; thence South, along said parallel line, 197.00 feet; thence South  $89^{\circ}35'33''$  East, 372.07 feet to a line 402.50 feet West of and parallel with the said East line of the Southwest 1/4 of the Southwest 1/4 of Section 14; thence North  $0^{\circ}24'27''$  East, along said parallel line, 246.98 feet to the said Point of Beginning. Said property located on the south side of Atlantic Avenue (S.R.806), approximately .3 miles west of Sims Road (55th Avenue South) was approved as advertised subject to the following conditions:

1. This development shall 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. The developer shall construct concurrent with on-site paving and drainage improvements pursuant to permit issued from the office of the County Engineer:
  - a) Right turn lane, west approach on West Atlantic Avenue at the project's entrance road.
  - b) Non-mountable curbs on both sides of the existing

median a distance of 50 feet on West Atlantic Avenue at the project's entrance road.

3. The developer shall contribute Twenty One Thousand One Hundred and Thirty Eight Dollars (\$21,138.00) 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. A Unity of Title shall be executed incorporating all of the property held by the petitioner surrounding and including the property involved in this petition, prior to site plan certification unless a subdivision plat is recorded.
7. The site plan shall be amended to provide for the relocation of the restaurant to the north and east, for a six foot high solid masonry wall with stucco finish along the western property boundary, for tabular data reflecting restaurant capacity and employment, and for appropriate directional sign locations.
8. No building permits shall be issued until sewage connections are obtained from the County Utilities Department.

Commissioner Koehler, 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	--	ABSENT
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Gailey, Member	--	AYE

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

FALE BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Freddie Woodson  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

John B. Dinkle  
County Attorney