

RESOLUTION NO. R-85-307

RESOLUTION APPROVING ZONING PETITION 75-159(A), Special Exception

WREREAS, 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. 75-159(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of November 1984; 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 proposal **is** 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 the 29th of November 1984, that Petition No. 75-159(A) the petition of CLAR-MAR PROPERTIES By E. Clifford Norris, Agent, for a SPECIAL EXCEPTION to AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-159, TO INCREASE THE SQUARE FOOTAGE MORE THAN **5%** on a certain parcel in Section **12**, Township **44** South, Range 42 East, being more particularly described as follows:

Commencing at the Northeast corner of Parcel **B** of Plat No. Two of Woodhaven, as recorded in Plat Book 27, Page 146, (the East line of Section 12 is assumed to bear North and all other bearings mentioned herein are relative thereto); thence North along the West line of Kirk Road, a distance **of** 34.24 feet to the Point of Beginning; thence

West, a distance of 315.0 feet to the Northwest corner of Lot 48 of said Plat No. Two of Woodhaven; thence North along the Easterly line of Lots 50, 51, 52 and a portion of Lot 53, a distance of 200.90 feet to the Southwest corner of the Recreation Area as shown on said Plat; thence East, a distance of 80 feet; thence North, a distance of 100 feet; thence West, a distance of 130.55 feet to the Northwest corner of said Lot 53, also being in the arc of a curve concave Westerly, having a radius of 110 feet; thence Northerly along the arc of said curve subtending a central angle of 21 degrees 30'27", a distance of 41.29 feet to the end of said curve; thence North 0 degree 0'30" West along the Easterly right-of-way line of Sandra Lane, a distance of 126.85 feet to the beginning of a curve, concave Southeasterly, having a radius of 25 feet and a central angle of 92 degrees 42'49"; thence Northeasterly along the arc of said curve, a distance of 40.45 feet to the end of said curve; thence South 87 degrees 17'41" East along the North line of Parcel A of said Plat No. Two of Woodhaven and the Easterly extension thereof, a distance of 332.10 feet to a point in the Westerly right-of-way line of Kirk Road, said Westerly right-of-way being parallel with and 40 feet Westerly from the East line of Section 12; thence South along said Westerly right-of-way line of Kirk Road, a distance of 477.38 feet to the Point of Beginning. Subject to easements and rights-of-way of record. Less and except the following described parcel:

Beginning at the Southerly end of that certain 25-foot radius curve at the Northwest corner of Parcel "A" as same is shown on Plat No. 2 of Woodhaven as recorded in Plat Book 27 at Page 146, thence Northeasterly along the arc of said curve, subtending a central angle of 92 degrees 42'49", a distance of 40.45 feet to the end of said curve; thence South 88 degrees 46'22" East along the North line of said Parcel "A" and the Easterly extension thereof, a distance of 332.24 feet to a point in a line parallel with and 40 feet Westerly from the East line of said Section 12, said line also being the existing Westerly right-of-way line of Kirk Road; thence South 1 degree 28'53" East along said parallel line, a distance of 30.85 feet; thence North 45 degrees 07'38" West, a distance of 34.51 feet;

thence North 88 degrees 46'22" West, a distance of 308.40 feet; thence South 44 degrees 52'13" West, a distance of 36.18 feet to the West line of said Parcel "A"; thence North 1 degree 29'11" West along the West line of Parcel "A", a distance of 7.01 feet to the Point of Beginning. Said property located on the southwest corner of the intersection of Forest Hill Boulevard and Kirk Road, being bounded on the west by Sandra Lane in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. Any fuel or chemical storage tanks shall be installed, protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
4. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
5. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
6. 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.
7. The Developer 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. Presently The Fair Share Fee for this project is \$19,350.00.
8. The improvements to Kirk Road (construction as a 4-lane undivided section from Forest Hill Boulevard to project's south entrance) as permitted by the County Engineer, shall be completed prior to the issuance of the Building Permit for the proposed bank.

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

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	PYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1984 confirming action of the 29st of November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney