

RESOLUTION NO. R- 85-571

RESOLUTION APPROVING ZONING PETITION 84-166, 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. 84-166 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 1985; 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. With variance relief, the proposal will be 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 4th of January 1985, that Petition No. 84-166 the petition of MEADOWS, INC., By Alan J. Ciklin, Esquire for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION INCLUDING GASOLINE PUMP ISLAND FACILITIES on Lot 33, Block 15, of San Castle Fourth Addition, as recorded in Plat Book 26, Page 34, and described as:

Beginning at a point being the intersection of the centerline of Hypoluxo Road and Seacrest Boulevard, Section 9, Township 45 South, Range 43 East; thence South along the center line of Seacrest Boulevard a distance of 160 feet; thence East a distance of 40 feet to the Point of Beginning, thence East 130 feet to a point; thence North 120 feet to a point; thence West 130 feet along the South Right-of-way line of Hypoluxo Road to the East Right-of-way line of

Seacrest Boulevard; thence South 120 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Hypoluxo Road and Seacrest Boulevard in an 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 with 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 property owner shall convey for the ultimate right of way of Hypoluxo Road, 54 feet from centerline, approximately an additional 14 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
8. 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 \$3,638.00.

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
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney