

RESOLUTION NO. R-85-956

RESOLUTION APPROVING ZONING PETITION **85-36**, 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. **85-36** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 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. This 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 25th of April 1985, that Petition No. **85-36** the petition of THE FARM STORES, INC. By Meg Whitmer, Agent for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE STATION (CONVENIENCE STORE WITH SELF SERVICE PUMP ISLAND FACILITIES) on that portion of Lot 4, Tract 41, Township 44 1/2 South, Range 42 East, according to Plat 'No. 13, Palm Beach Farms Company, recorded in Plat Book 6, Page 99, more particularly described as follows:

The East 250 feet of the West 818.59 feet (both measurements being at right angles to the West boundary of said Lot 4) of the North 340 feet (measured at right angles to the North boundary of said Lot 4) of said Lot 4; excepting therefrom the right-of-way of State Road S-812 (Lantana Road). Said property located on the south side of Lantana Road, approximately .7 mile west of the Florida Turnpike

(Sunshine State Parkway) 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 Lantana 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 construct a left turn lane easterly access and a right turn lane westerly access on Lantana Road at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
9. The developer shall align the project's entrance with the entrance to Sherbrooke.
10. 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 \$6,325.00.
11. Landscaping shall be installed as shown on the site plan presented at the Planning Commission and Board of County Commissioners' public hearings. An exact copy of said site plan shall be submitted to the Zoning Division for inclusion in the permanent official file.
12. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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 Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spiliadis, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted
this day of **JUN 25 1985** confirming action of the 25th April
1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beausie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Paula Sprague
County Attorney