

R-85-1219

RESOLUTION NO. R-89-1611

RESOLUTION AMENDING RESOLUTION NO. R-85-1219  
RESOLUTION APPROVING ZONING PETITION NO. 77-10(B)  
PETITION OF BRUCE E. AND PATRICIA KING

WHEREAS, Bruce E. and Patricia King petitioned the Palm Beach County Planning Commission and the Board of County Commissioners sitting as the final zoning authority on May 2, 1985 and June 27, 1985, respectively, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR NEW AND USED AUTOMOBILE AND TRUCK SALES, RENTAL AND REPAIR FACILITIES AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NOS. 77-10 AND 77-10(A) on property located on the northwest corner of the intersection of Northlake Boulevard, in a CG-General Commercial Zoning District; and

WHEREAS, Resolution No. R-85-1219 adopted August 13, 1985 confirming the action of the Board of County Commissioners sitting as the final zoning authority of June 27, 1985 inadvertently contained an error in the legal description; and

WHEREAS, the words "thence a distance of 583.66 feet to a point in the said right-of-way line;" should be deleted from the second and third lines of page three of Resolution No. R-85-1219.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recital is hereby affirmed and ratified.
2. The legal description of Resolution No. R-85-1219 is hereby amended.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Carole Phillips	--	AYE
Ron Howard	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

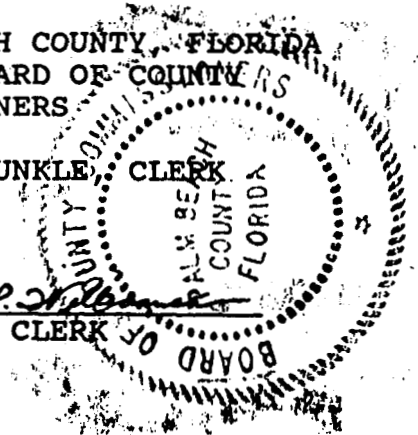
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Burton Altman*  
COUNTY ATTORNEY

BY: *James H. ...*  
DEPUTY CLERK



RESOLUTION NO. R-85-1219

RESOLUTION APPROVING ZONING PETITION 77-10(B), 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. 77-10(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 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 27th of June 1985, that Petition No. 77-10(B) the petition of BRUCE E. & PATRICIA KING By David Carpenter, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A NEW AND USED AUTOMOBILE AND TRUCK SALES, RENTAL AND REPAIR FACILITIES AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-10 AND 77-10(A) on Parcel A - a portion of Tract A shown as "not included" in the plat of Rivard Subdivision as recorded in Plat Book 21 at Page 12, more particularly described as follows, to wit:

From the 1/4 corner in the South line of Section 17, Township 42 South, Range 43 East, go West along the South line of the said section a distance of 776.61 feet to a point; thence North 22 degrees 21'30" West a distance of ~~146.55~~  
106.36 feet to a point in the Westerly right-of-way line of State Road A1A and the point of beginning; then

continue North 22 degrees 21'30" West along said Westerly right-of-way line a distance of ~~543.47~~ feet to a point on the said right-of-way line; then South 67 degrees 38'30" West a distance of 295.56 feet to a point in the Easterly right-of-way line of the Florida East Coast Railway, then South 22 degrees 24'00" East along the said Easterly right-of-way line a distance of 514.55 feet to a point which is its intersection with the North right-of-way line of State Road 809-A (Lake Park Road West); thence East along the said North right-of-way line a distance of ~~226.74~~ feet to a point ~~in the~~ said right-of-way line; thence North 33 degrees 48'00" East a distance of 102.93 feet to the point of beginning; and

Parcel B - a part of Section 17, Township 42 South, Range 43 East, lying North of State Road 809 and lying Westerly of State Road A1A, said part being more particularly described as follows:

Commencing at the Southwest corner of said Section 17, run South 88 degrees 04'04" East along the South line of said Section 17 a distance of 1889.56 feet; thence North 20 degrees 28'34" West a distance of 54.06 feet; thence North 88 degrees 04'04" West a distance of 59.86 feet to the point of beginning; thence continue North 88 degrees 04'04" West a distance of 40.14 feet; thence North 35 degrees 44'00" East, a distance of 102.83 feet; thence South 20 degrees 28'34" East, a distance of 40.14 feet to the beginning of a radial return, concave Northwesterly; thence Southerly and Westerly along said radial return, having a central angle of 112 degrees 24'30" with a radius of 35 feet, an arc distance of 68.67 feet to the end of said curve and the point of beginning; together with:

A portion of Tract "A" shown as "not included" in the Plat of Rivara Subdivision as recorded in Plat Book 21 at Page 12, more particularly described as follows, to wit:

From the 1/4 corner of the South line of Section 17, Township 42 South, Range 43 East, go West along the South line of the said section a distance of 776.61 feet to a point; thence North 22 degrees 21'30" West a distance of 106.36 feet to a point in the Westerly right-of-way line of State Road A1A, and the point of beginning; thence continue North 22 degrees 21'30" West along said Westerly

right-of-way line a distance of 583.66 feet to a point in the said right-of-way line; thence a distance 583.66 feet to a point in the said right-of-way line; thence South 67 degrees 38'30" West a distance of 295.56 feet to a point in the Easterly right-of-way line of the Florida East Coast Railway; thence South 22 degrees 24'00" East along the said Easterly right-of-way line a distance of 514.55 feet to a point which is its intersection with the North right-of-way line of State Road 809-A (Lake Park West Road); thence East along the said North right-of-way line a distance of 266.88 feet to a point of curve concave to the Northwest, having a radius of 35.04 feet and a central angle of 112 degrees 21'30"; thence Northerly and Easterly along the arc of said curve a distance of 68.71 feet to the Point of Beginning. Together with:

Parcel C - a parcel of land in Section 17, Township 42 South, Range **43** East, more particularly described as follows:

Beginning at a point in the Westerly right-of-way line of State Road No. 1 (formerly State Road No. 176) said Westerly right-of-way line being herein assumed to be a line parallel to, and 40 feet Westerly from the centerline of said road, and also being parallel to and 7 feet Westerly from the Westerly right-of-way line of said road, as shown on Plat of Rivard Subdivision as recorded in Plat Book 21, at Page 12, and said Point of Beginning being 690 feet Northerly measured along said right-of-way line, from the South line of said Section 17; thence Northerly along said Westerly right-of-way line, 120 feet; thence Westerly at right angles to the preceding course, 266.45 feet, more or less, to a point in the Westerly line of the Southeast 1/4 of the Southwest 1/4 of said Section 17; thence Southerly along the Westerly line 77.70 feet, more or less, to its intersection with the Easterly line of the Florida East Coast Railway Company's right-of-way; thence Southerly along said Easterly right-of-way line, 48.06 feet, more or less, to a point in a line parallel to, and 120 feet Southerly from, measured at right angles to, North line of the herein described parcel; thence Easterly along said parallel line, 295.76 feet, more or less to the Point of Beginning, less the Easterly 15' thereof for additional State Road Alternate A1A

right-of-way. Also Less:

That part of Tract "A", shown as "not included" in the plat of Rivard Subdivision as recorded in Plat Book 21, page 12, said part being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of said Section 17; thence North 88 degrees 04'55" West along the South line of said Section 17 a distance of 733.66 feet to a point on the Baseline of Survey for S.R. Alternate A1A; thence North 20 degrees 25'19" West along said Baseline of survey for S.R. Alternate A1A a distance of 99.67 feet; thence South 69 degrees 34'41" West a distance of 111 feet to the Point of Beginning; thence South 88 degrees 04'55" East a distance of 24.54 feet to the beginning of a curve concave Northwesterly; thence Easterly, Northeasterly and Northwesterly along said curve, having a radius of 35 feet, a central angle of 112 degrees 20'24" an arc distance of 68.62 feet to the end of said curve; thence North 20 degrees 25'19" West along the Westerly existing right-of-way line for S.R. Alternate A1A a distance of 583.54 feet; thence South 69 degrees 34'41" West a distance of 15 feet; thence South 20 degrees 25'19" East a distance of 567.05 feet; thence South 06 degrees 23'09" East a distance of 19.30 feet; thence South 35 degrees 45'37" West a distance of 37.42 feet; thence South 69 degrees 36'04" West a distance of 20.23 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Northlake was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
  - a) A minimum of 10 parking spaces to be designated for customer use only.
  - b) The site plan shall be delineated to accommodate the 54 foot right-of-way from the centerline of Lake Park Road.
  - c) Parking stall lengths to meet minimum required dimensions of 10' x 20' or secure variance relief from the Board of Adjustment to permit reduced stall size.
2. 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.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. 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.

5. 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.

6. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

7. 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.

8. The property owner shall convey for the ultimate right-of-way of Northlake Boulevard, 54 feet from centerline, approximately an additional 4 feet, prior to site plan approval; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

9. 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. The Fair Share Fee for this project, is \$7,743.00.

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

Ken Adams, Chairman	-- Aye
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Aye
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- Aye

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Fredy Braun  
County Attorney