

RESOLUTION NO. R- 85-1876L

RESOLUTION APPROVING ZONING PETITION 85-79, 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. 85-79 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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 22nd of August 1985, that Petition No. 85-79 the petition of AMERICAN PETROFINA MARKETING, INC., By Kevin McGinley, Agent for a SPECIAL EXCEPTION TO ALLOW GASOLINE PUMP ISLAND FACILITIES on all of that certain Tract of land in Section 7, Township 44 South, Range 43 East, being the North 196.5 feet of the South 226.5 feet of the East 183 feet of **the** East 1/2 **of** the Northeast 1/4 of the Southeast 1/4 of said Section, less the East 50 feet and the South 23 feet thereof for road Right-of-way purposes being located at the Northwest corner of Forest Hill Boulevard and Congress Avenue, being Lot 10 of Unrecorded Plat of "Palm Acres #3", in said Section and particularly described by Metes and Bounds as follows: Commencing at the Northeast corner of said Section 7; thence South 01 degree 04'26" East along the East line of said Section a distance of

3810.83 feet to a point; thence Westerly on a line perpendicular to the East line of said Section 7, a distance of 50 feet to the Point of Beginning of the tract hereby described; thence from the Point of Beginning North 87 degrees 49'46" West a distance of 133 feet to a point; thence South 01 degree 04'26" East 173.50 feet to a point in the Northerly Right-of-way of Forest Hill Boulevard; thence along the Northerly Right-of-Way line of Forest Hill Boulevard South 87 degrees 49'46" East a distance of 111.83 feet to a point; thence on a curve to the Northeast, having a radius of 20 feet and a central angle of 93 degrees 14'40" a distance of 32.55 feet to a point in the Westerly Right-of-way line of Congress Avenue; thence North 01 degree 04'26" West along the Westerly Right-of-way line of Congress Avenue 152.33 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Forest Hill Boulevard (S.R. 882) and Congress Avenue (S.R. 807) in a CG-General Commercial District was approved as advertised subject to the following conditions:

- 1) Prior to site plan certification the site plan shall be revised to reflect:
 - a) Thirty-five (35) foot maximum accessway dimensions.
 - b) A safe corner property dimensioned and clear of visual obstruction.
 - c) One (1) - ten (10) foot overall in height canopy tree shall be planted at forty (40) foot "on-center" intervals, where off street parking and other vehicular use areas abut a right-of-way.
 - d) Twenty (20) foot minimum backup distances between the south property line and the first parking stall.
- 2) Prior to site plan certification, variance relief shall be obtained from the Board of Adjustment for any proposed substandard setbacks to accommodate the proposed location of the pump island canopy, and the convenience store.
- 3) The handicapped parking space shall be the space located closest to the convenience store door.
- 4) There may be two access points on Forest Hill Boulevard and two on Congress Avenue. The location of these access points shall be subject to the approval of the Engineering Department.
- 5) 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.
- 6) Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

7) 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.

8) 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.

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

10) 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.

11) The property owner shall convey for the ultimate right of way of:

(a) Congress Avenue, 53 feet from centerline,

(b) Forest Hill Boulevard, 60 feet from centerline,

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.

12) The property owner 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 would presently be \$23,120.

13) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner **Spillias**, 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:

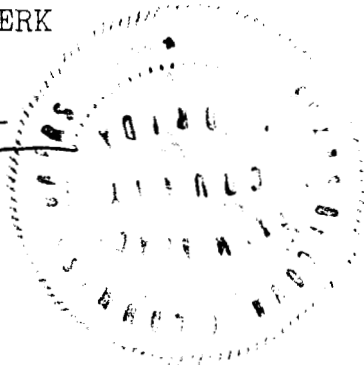
Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney