

RESOLUTION NO. R-83-984

RESOLUTION APPROVING ZONING PETITION 83-21, 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. 83-21 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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 proposed Special Exception is permitted in terms of Comprehensive Plan consistency.
2. This existing facility is at variance with many development requirements and should be brought into conformance in order to mitigate noise and visual impacts upon residences to the west.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th **day** **May** 1983, that Petition No. 83-21 the petition of JIMMY K. BOYD, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE COMBINATION, AUTO PAINT, BODY SHOP AND REPAIR FACILITY on Lot 27, **Diekhans** Addition of Military **park**, in Section 24, Township 43 South, Range 42 East, as recorded in **Plat** Book 12, Page 56. Also the West 136 feet of the East 339.33 feet of a strip of land 100 feet wide, being 50 feet wide on back side of the centerline of the West Palm Beach extension of the Okeechobee branch of the **Florida East** Coast Railway as located across the Northeast **1/4**, Northeast **1/4**, Southwest **1/4** of Section 24, Township 43 South, Range 42

East. The Tract hereby conveyed lies immediately South of Lot 27 of **Diekhans** Addition to Military Park. Said property located on the south side of **Diekhans** Road approximately 135 feet west of Military Trail (S.R. 809) in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. The developer shall construct **Diekhans** Road from Military Trail to the project's **entrance** road prior to the issuance of a building permit for the expansion.
2. The developer shall contribute One Hundred and Twenty Dollars (\$120.00) toward the cost of meeting this project's direct and identifiable impact at the time of **issuance** of building permit.
3. This development must retain **onsite** 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, **Land, Development** Division.
4. No paint, oil, gasoline or other contaminants shall be permitted to be disposed of through either the septic system or on-site drainage provisions.
5. The site plan shall be redesigned to provide for required parking and landscaping and for a six-foot high masonry wall along the project's west property line. These improvements shall be installed within 120 days of this approval.
6. Should conditions 3 to 5 above not be complied with within 120 days of **this** approval, the Certificate of Occupancy for these premises shall be revoked and the premises shall thereafter not be occupied until such time as these conditions are satisfied.
7. All painting activity shall be conducted in an approved paint booth.
8. Hours of operation shall be limited to **7:00** A.M. to **9:00** P.M.

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

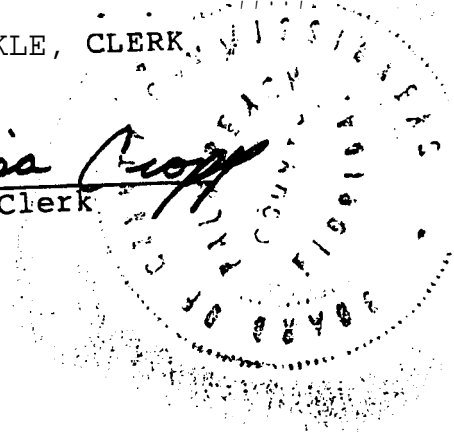
Peggy E. Evatt, Chairman	--	<b>AYE</b>
Ken Spillias, Vice Chairman	--	<b>AYE</b>
Dennis P. Koehler, Member	--	<b>ABSENT</b>
Dorothy Wilken, Member	--	<b>AYE</b>
Bill Bailey, Member	--	<b>ABSENT</b>

The foregoing resolution was declared duly passed and adopted this ~~30th~~ day of **August** , **1983** , confirming action of 26th May 1983.

PALM BEACH COUNTY,  
FLORIDA  
BY ITS BOARD OF COUNTY.  
COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: *Lisa Croff*  
Deputy Clerk



APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John Barrett*  
County Attorney