

RESOLUTION NO. R-84-1331

RESOLUTION APPROVING ZONING PETITION 82-127(A), Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 263 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. 82-127(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of June, 1984; 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. The proposal is consistent with the requirements of the Comprehensive Plan.
2. With minor revisions to the Site Plan, the proposal will meet the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of June, 1984, that the petition of WILLIAM R. BOOSE, III, AS TRUSTEE, by Charles DeSanti, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED TRUCK SALES AND RENTAL AND REPAIR FACILITY AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-127, BY INCREASING THE SQUARE FOOTAGE OF THE BUILDING BY MORE THAN 5% on Lot 1, less the East 3.0 feet and the West 75 feet, Holt Estate, in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 21, Page 31. Said property located on the northwest corner of the intersection of Military Trail (S.R. 809) and Holt Road in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. The petitioner shall meet all conditions imposed through the original approval, as stated in Resolution No, R-83-135.
2. Prior to certification of the Site Plan by the Site Plan Review Committee, the site plan shall be amended to reflect the following:
 - a. landscaping shall be placed outside of the 25 foot "safe corner" visibility area, as required by Ordinance 73-1.
3. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.
4. 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.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

NOTE: The following conditions were imposed through the original approval, as per Resolution No. R-83-135. They are included here for informational purposes.

1. The developer shall provide a perimeter access for one-way traffic, with a fifteen (15) foot width.
2. A six (6) foot high wall shall be extended along the southern property line to the westernmost boundary of the CG zoning district.
3. Screening of at least seventy-five percent (75%) opacity shall be required to protect the neighboring property to the west and southwest.
4. Repair work shall be limited to Monday through Friday with hours of 8:00 A.M. to 5:00 P.M. only.
5. Within ninety (90) days of approval, the ultimate right of way for Military Trail, sixty (60) feet from centerline, shall be conveyed to Palm Beach County, (Approximately and additional seven (7) feet of right of way.)
6. The developer shall contribute the sum of Five Hundred and Sixty Three Dollars (\$563.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of the issuance of the Building Permit.
7. The developer shall reconstruct Holt Road to provide for a twenty (20) foot pavement width from Military Trail, west to the project's west property line, prior to the issuance of a Certificate of Occupancy.

Commissioner Bailey moved for approval of the Petition. The motion was seconded by Commissioner Evatt, and, upon being put to a vote, the vote was as follows:

KEN SPILLIAS, CHAIRMAN	-- ABSENT
DOROTHY H. WILKEN, VICE-CHAIRMAN	-- AYE
PEGGY B. EVATT	-- AYE
DENNIS P. KOEHLER	-- AYE
BILL BAILEY	-- AYE

The foregoing Resolution was declared duly passed and adopted this ~~11th~~ day of *September*, 1984, confirming action of the 29th of June, 1984.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

AM. Carl D. V
COUNTY ATTORNEY

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

JOHN B. DUNKLE, CLERK

BY: *Barbara Harris*
DEPUTY CLERK

