

RESOLUTION NO. R-85-565

RESOLUTION APPROVING ZONING PETITION 84-102(A), 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. 84-102(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 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. With Variance relief this proposal will be 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 4th of January 1985, that Petition No. 84-102(A) the petition **of** ELLIOTT BARNETT, TRUSTEE By John Sanford Jr., Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL, NEW AND USED AUTOMOTIVE VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOT on the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East; Less the North 56.0 feet and the East 53.0 feet for Roads and Canals. Said property located on the west side of Military Trail (S.R. 809), approximately .4 mile north of Summit Boulevard was approved as advertised subject to the following conditions:

1. The petitioner shall convey to the Lake Worth Drainage District the North 56 feet of the N.E. 1/4 of the N.E. 1/4 of the S.W. 1/4 of Section 1-44/42 for the required right-of-way for Lateral Canal No.

5, by quit claim deed or an easement deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners, or such other agreement as is acceptable to the Lake Worth Drainage District.

2. 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.

3. 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.

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.

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 Military Trail, 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.

9. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

(A) Sunny Lane as a 3-lane section from Military Trail west to the project's west entrance.

(B) Right Turn Lane on Sunny Lane at the project's west entrance.

(C) Left Turn Lane, North Approach and a Right Turn Lane, East Approach on Sunny Lane at Haverhill Road.

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 \$35,713.00.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount shall be credited toward the increased Fair Share Fee.

11. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$17,857.00 toward Palm Beach County's existing Roadway Improvement Program, these combined funds to be paid within 6 months of the approval date by the Board of County Commissioners.

12. Prior to certification by Site Plan Review Committee, the petitioner shall obtain variance relief from the Board of Adjustment for the proposed parking spaces of less than the required dimensions.

13. The six-foot wall and landscape buffers shall be installed as shown on the site plan presented to the Board of County Commissioners in the public hearing.

14. Prior to site plan certification, exact copies of all graphics and exhibits presented at the Planning Commission and Board of County Commissioners' public hearings shall be submitted to the Zoning Division and made part of the permanent petition file.

15. Landscape buffers along property lines abutting residentially zoned property shall be installed as consistent with the diagram of landscape buffer, 100' Section, presented in the public hearings, except that the 6' wall shown shall be a solid wall, not louvred.

16. There shall be only one access on Sunny Lane, which shall be located as shown on the site plan presented to the Board of County Commissioners in the public hearing.

17. The hours of mechanical repair and bodywork shall be limited to the hours of 8 AM to 6 PM, (excepting clean-up activities.)

18. All outdoor lighting shall be directed away from adjacent residential uses.

19. The use of outdoor paging and public address systems shall be limited so that any use of such systems will be inaudible at any point beyond the property lines of the subject site.

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

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

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Polyn
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney