

RESOLUTION NO. R-85-1233

RESOLUTION APPROVING ZONING PETITION 85-65, 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. 85-65 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th 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. With minor site plan amendments, or variance relief, 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 28th of June 1985, that Petition No. 85-65 the petition of ROBERT & BRUCE ORESKY By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW A NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME AND RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITY AND LOT on Lots 13 and 14, except the East 3 feet thereof of Aurora Estates, in Section 1, Township 44 South, Range 42 East as recorded in Plat Book 23, Page 203. Said property located on the west side of Military Trail approximately .16 mile (850 feet) south of Gun Club Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect

these preservation areas during site clearing and construction.

2. Prior to Site Plan Certification the following shall be reflected on the site plan:

a) Parking stall and aisle dimensions and delineation or obtain variance relief from the Board of Adjustment.

b) Obtain variance relief for a substandard front setback.

c) North shall be oriented to the top of the page.

d) Supplement of the required 8 foot high chain link fence abutting residential development with one (1) tree planted 20 feet on center and a continuous hedge to be maintained at a minimum of 4 feet in height at maturity or obtain variance relief from the Board of Adjustment for the required fence to be replaced by a 6 foot high solid masonry wall supplemented by one (1) tree planted 25 feet on center along the the western property line,

e) All landscaped material shall be maintained in good condition.

3. No parking, temporary or otherwise shall be permitted in unpaved front and side corner yards.

4. Variance relief shall not be granted for wheel stops along the north and east perimeter of the site.

5. If variance relief is obtained for auto display parking the required interior landscaping shall be relocated to a 5' landscape strip along the south property line and along Perth Road.

6. 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.

7. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from the centerline approximately an additional 7 feet 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.

8. The Developer shall pay a Fair Share Fee in the amount and manner required by "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 presently is \$2,224.00.

9. The Property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

10. The Property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Perth Road.

11. 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.

12. 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.

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

14. The petitioner shall present a notarized Affidavit of Disclosure

at the Zoning Authority meeting.

15. There shall be no test driving of vehicles along Perth Road from the site.

16. Use of this site shall be restricted to auto sales. Only minor cosmetic repairs to autos shall be permitted at this site, and all such work shall be done in enclosed structures.

17. No disassembled vehicles or inoperative vehicles shall be placed on this site.

18. The hours of operation shall be limited from 8 A.M. to 9 P.M., except no repair work shall commence before 9 A.M.

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

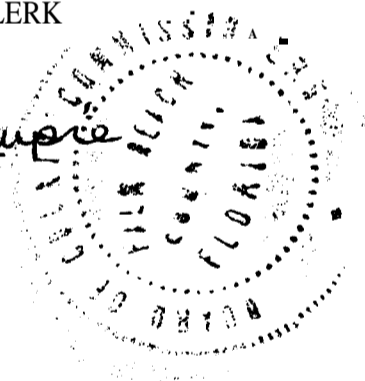
Ken Adams, Chairman	-- Absent
Karen T. Marcus, Vice Chairman	-- Aye
Kenneth Spillias, Member	-- Aye
Jerry L. Owens, Member	-- Aye
Dorothy Wilken, Member	-- Aye

The foregoing resolution was declared duly passed and adopted this 13th day of August confirming action of the 28th 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

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Landy Inague
County Attorney