

RESOLUTION NO. R- 85-1876H

RESOLUTION APPROVING ZONING PETITION 85-56, 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. 85-56 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. With minor site plan modification, or 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 22nd of August 1985, that Petition No. 85-56 the petition of ABRAHAM PACKER By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, SALES, RENTAL AND REPAIR FACILITY AND LOTS on the North 145 feet of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36, Township 43 South, Range 41 East, together with:

The West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 less the North 100 feet thereof, Section 36, Township 43 South, Range 41 East. Together with:

Being a parcel of land lying in the East 1/2 of the Southeast 1/4 of

the Northeast 1/4 of the Southwest 1/4 of Section 36, Township 43 South, Range 41 East, and being more particularly described as follows:

Commencing at the intersection of the centerline of State Road Bo. 80, as now laid out and in use with the West line of the said East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36; thence North 01 degree 27'18" East along said West line, a distance of 250.00 feet to the Point of Beginning of this description said point being the North line of the South 200 feet of the West 150 feet of said East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36, lying North of the North Right-of-way line of said State Road No. 80, as described by the Warranty Deed recorded in Official Record Book 601, Page 610; thence continue North 01 degree 27'18" East, a distance of 156.44 feet; thence South 89 degrees 08'56" East, a distance of 330.96 feet to a point on the East line of said East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36; thence South 01 degree 29'07" East, along said East line, a distance of 210.30 feet; thence North 88 degrees 28'52" West, a distance of 180.83 feet to a point on the East line of land as described in said Official Record Book 601, Page 610; thence North 01 degree 27'18" West along said East line a distance of 50.00 feet to the Northeast corner of said parcel described in Official Record Book 601, Page 610; thence North 88 degrees 28'52" West along the North line of said parcel, a distance of 150.00 feet to the Point of Beginning. Said property located on the north side of Southern Boulevard (S.R. 80), approximately .5 mile west of U.S. 441 (S.R. 7) 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 amended to reflect the following;

a) One (1) canopy tree, minimum 10-12 feet in overall height at time of planting, placed forty (40) feet on center along the Southern Boulevard property line, along the west easement, and along the six (6) foot wall on the north property line.

b) Parking area interior landscaping treatment and site data calculations pursuant to Landscape Code Section 4.G.

c) Removal of portions of the six (6) foot wall where it encroaches onto right-of-way and required landscape strip areas.

2. Loading areas shall be enclosed, and separated from nearby residential areas by ten foot high wing walls.
  3. **All** mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
  4. The West, North, and East facades of the sales and service facility shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby development.
  5. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
  6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the sales and service facility lot.
  7. No parking of any vehicles shall be permitted along the rear of the service center except in designated spaces or unloading areas.
  8. Security lighting shall be directed away from nearby residences and rights-of-way.
  9. 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.
  10. 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.
  11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
  12. 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.
  13. 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.
  14. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
  15. 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.
  16. The Property Owner shall convey for the ultimate right-of-way of Southern Boulevard, 200 feet from the north right-of-way line of the C-51 Canal 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.
  17. The property owner shall construct on Southern Boulevard:
    - a) Left turn lane west approach at the project's west entrance.
    - b) Right turn lane at the project's east entrance,
- All concurrent with onsite paving and drainage improvements pursuant

to a paving and drainage permit issued from the Office of the County Engineer.

If one or more of these turn lanes are to be incorporated in the widening of Southern Boulevard. The property owner shall contribute a cash payment for those turn lanes which are incorporated in the widening. If one or more of these turn lanes are not incorporated in the widening of Southern Boulevard, then this condition shall be void.

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

19. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Southern Boulevard.

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

21. There shall be no repair work conducted outside of enclosed structures at this site. Any damaged vehicles stored on site shall be screened from view so as not to be visible from anywhere off-site.

22. All bodywork at this site shall stop at 6:00 P.M.

23. Any use of the ultimate right-of-way shall be approved by the County Attorney's office, subject to a removal agreement approved prior to site plan certification.

Commissioner **Marcus** , 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:

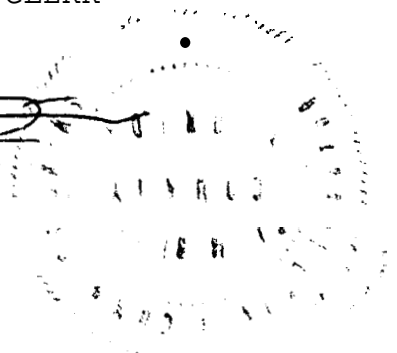
Ken Adams, Chairman	--	<b>AYE</b>
Karen T. Marcus, Vice Chairman	--	<b>AYE</b>
Kenneth Spillias, Member	--	<b>AYE</b>
Jerry L. Owens, Member	--	<b>ABSENT</b>
Dorothy Wilken, Member	--	<b>ABSENT</b>

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

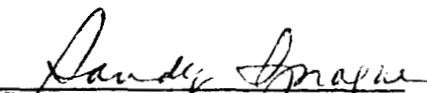
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney