

RESOLUTION NO. R-87-123

RESOLUTION APPROVING ZONING PETITION 80-236(A):
Special Exception with a concurrent
Modification of Commission Requirements

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 80-236(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 27, 1986 and

WHEREFIS, 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

WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. With site plan modifications and Board of Adjustment 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 27th day of January, 1987, that: Petition No. 80-236(A), the petition of TORONTO INVESTMENTS LTD., INC., By Ed Goldstein, Agent, to DELETE THE OFFICE/WAREHOUSE COMBINATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-236, AND TO ALLOW THE FURTHER SPECIAL EXCEPTION FOR A COMMERCIAL NEW FIND USED AUTOMOBILE SALES AND SERVICE FACILITY FIND LOT on Lots 52 thru 62, less the East 3.0 feet thereof; and Lots 239 thru 241, Plat of

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

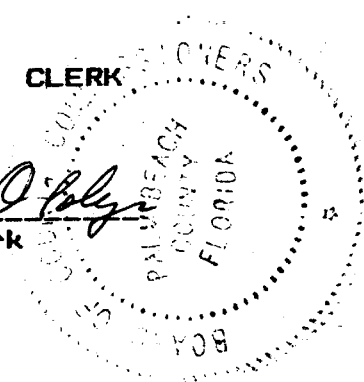
Karen T. Marcus	--	ABSENT
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 27th day of January, 1987 confirming action of June 27, 1986.

FILED BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polyz
Deputy Clerk



APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY


County Attorney

5. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

6. Condition No. 3 which presently states:

"3. Petitioner shall only be allowed one entrance onto Springfield Street and Cambridge Street per the County Engineer's approval."

is hereby amended to state:

"3. Developer shall not be permitted direct access onto Military Trail.

7. Condition No. 4 of Petition **Nb** 80-236 which presently states:

"4. Petitioner shall contribute Eight Thousand Three Hundred Dollars (~~\$8,300.00~~) or Eighty-eight Dollars (~~\$88.00~~)/100 sq. ft. of building area toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (664 trips x \$12.50 per trip)."

is hereby amended to state:

"4. The property owner 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. The Fair Share Fee for this project presently is \$2,975 (238 trips X 412.50 per trip)."

8. There shall be no outside storage of debris, disassembled parts or disabled vehicles.

9. Security lighting shall be directed away from adjacent residential areas.

10. The property owner shall comply with the following conditions:

a) no building permit shall be issued until Springfield Street is paved from Military Trail to the project's westerly terminus,

b) notwithstanding the above condition a), Springfield Street shall be paved from Military Trail to the project's westerly terminus prior to January 1, 1987.

c) In the alternative, within one year from date of Board approval, if Springfield Street is abandoned, a building permit may be issued.

11. No outdoor audio or loudspeaker systems shall be permitted on the site.

Kenwood, according to the plat thereof, in Section 24, Township 44 South, Range 42 East, as recorded in Plat Book 3, page 44. Together with that portion of the 20.0 foot service alley shown on the Plat of Kenwood, Plat Book 3, Page 44, more particularly described as being that right of way bounded on the North by the South right of way line of Cambridge Street, on the East by the West line of Lots 52 thru 59 inclusive, and on the South by the North right of way line of Springfield Street. And on the West by the East line of Lots 60 and 241 of said Kenwood. Said property located on the southwest corner of the intersection of Cambridge Street and Military Trail (S.R. 809), being bounded on the south by Springfield Street in an 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) perimeter landscape strips between off-street parking areas and abutting rights-of-way
 - b) required interior landscaping
 - c) perimeter landscaping along the west property line consisting of one canopy tree planted twenty (20) feet on center
 - d) median dimensions a minimum of five (5) feet wide
 - e) loading berth or obtain Board of adjustment relief
 - f) no parking spaces in safe corner
 - g) re-orient the service bays away from abutting residential area to the west
 - h) directional arrows on one way drive
2. The application and engineering plans, calculations etc. to construct well and/or septic tank shall be submitted to the Health Department prior to site plan approval.
3. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system. No building permit shall be issued for the service building until the site is connected to public water and sewer.
4. The petitioner shall comply with all previously approved conditions of Petition 80-236, unless expressly modified herein.