

RESOLUTION NO. R- 87-208

RESOLUTION APPROVING ZONING PETITION 86-78, 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 Nb 86-78 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 28, 1986 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 required site plan amendments 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 10th day of February, 1987, that: Petition Nb 86-78, the petition of STEVEN AND JOYCE EINSTEIN, By Kevin McGinley, Agent, for a SPECIFIL EXCEPTION TO ALLOW A COMMERCIAL NEW FIND USED, AUTOMOBILE, TRUCK, BOFIT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SFIE FIND RENCIL FIND REPFIR FACILITIES FIND LOTS on the North 140 feet of the South 165 feet of Lot 6, Block 1, Section 1, Township 44 South, Range 42 East, Palm Beach Plantations, recorded in Plat Book 10, Page 20. Less the East

1110.0 feet thereof; also Less the West 53.0 feet, as measured Easterly from the centerline of Military Trail, (S.R. 809) also being the North-South 1/4 Section Line. Said property located on the east side of Military Trail (S.R. 809), approximately .2 south of Gun Club Road 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. required 25 foot backup distance for all parking spaces, or obtain Board of Adjustment relief
 - b. required terminal islands.
2. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
3. Since sewer and water service are available to the property, neither a septic tank nor a well shall be approved for use on the property.
4. The development shall meet the stormwater retention requirements in effect at the time of the Permit application of the applicable drainage district, however, at a minimum, the developer shall retain onsite 89% 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 Engineer's approval.
5. The property owner shall construct the existing 25 foot road easement along the south property line from Military Trail to the project's east property line. This construction shall be to local street standards (minimum 2-10 travel lanes) and shall be concurrent with onsite paving and drainage improvements.
6. 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 \$1,286.00 (48 trips X \$26.79 per trip).
7. Petitioner shall execute and record an agreement with the Lake Worth Drainage District for the use of the south 20 feet of the 25 foot permanent easement adjacent to the petitioner's property for the maintenance, cleaning and treatment of Lateral Canal No. 5, in the form provided by

said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

8. All repair and storage of inoperable vehicles will be conducted entirely within an enclosed building. No outside storage of inoperable vehicles shall be permitted.

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

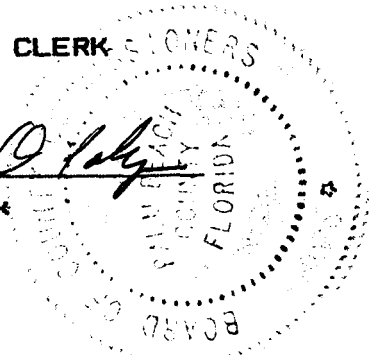
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	AYE
Dorothy Wilken	--	ABSENT
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of August 28, 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Foley
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney