

RESOLUTION NO. R-87-422

RESOLUTION APPROVING ZONING PETITION 86-95, 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. 86-95 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 23, 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 modifications, 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 24th day of March, 1987, that: Petition No. 86-95, the petition of ANTONIO O. AND MARIE L. VIZOSO AND W. WARD AKSOMITAS by W. Ward Aksomitas, Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE,

MOBILE HOME AND RECREATIONAL VEHICLE REPAIR FACILITIES AND LOTS beginning at an iron pipe in the center line of Military Trail, State Road 809, 1344.03 feet North of the South 1/4 Section Corner of Section 25, Township 44 South, Range 42 East, run Easterly along the center line of the county road known as Melaleuca Lane for a distance of 40.0 feet to a point in the Easterly Right-of-way line of the said Military Trail, State Road 809, thence run Southerly along the said Easterly Right-of-way line of Military Trail for a distance of 844.58 feet to a point marking the Northwest corner and the Point of Beginning of the parcel described herein; thence continue Southerly along the said Easterly Right-of-way line of Military Trail for a distance of 192.87 feet to a point marking the Southwest corner of this parcel; thence run Easterly along a line parallel to the said center line of Melaleuca Lane for a distance of 292.90 feet to a point in the East boundary line of the West 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25, which point marks the Southeast corner of this parcel; thence run Northerly along the said East boundary line of the West 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25 for a distance of 192.87 feet to a point marking the Northeast corner of this parcel; thence run Westerly along a line parallel to the said center line of Melaleuca Lane for a distance of 292.92 feet to the Point of Beginning at the Northwest corner of this parcel. Said property located on the east side of Military Trail (S.R. 809), approximately .2 miles south of Melaleuca Lane 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. The ultimate right-of-way for Military Trail.
  - b. The required minimum 15 foot landscape strip along Military Trail.
  - c. One (1) of two (2) alternative perimeter landscape strips adjacent to residentially zoned land.
  - d. One (1) access drive onto Military Trail.

- e. The required number of trees.
  - f. No parking stalls within the 20 foot backup distance.
2. The developer shall meet the stormwater retention requirements in effect at the time of the permit application for the applicable drainage district. However, at a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the Drainage System is not adequately maintained to the satisfaction of the County Engineer, the matter shall be submitted to the Code Enforcement Board for review and possible citation.
  3. The property owner shall convey for the ultimate right-of-way of Military Trail, 53 feet from centerline (approximately an additional 13 feet) within 90 days of the approval of the Resolution approving this project.
  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 \$6,804.00 (254 trips X \$26.79 per trip).
  5. Developer shall be permitted only one (1) entrance/exit onto Military Trail .
  6. All outdoor security lighting shall be low intensity and directed away from adjacent residential developments.
  7. No outdoor loudspeaker system shall be installed.
  8. There shall be no outdoor storage, maintenance, or repair of disabled vehicles or automotive parts.

Commissioner Wilken , 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:

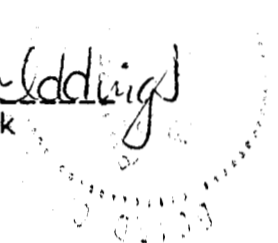
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	ABSENT
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 24th day of March, 1987 confirming action of October 23, 1986.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, CLERK.

BY: Jina M. Eddings  
 Deputy Clerk



APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY

  
 County Attorney