

RESOLUTION NO. R-87-1122-A

RESOLUTION APPROVING ZONING PETITION 87-33, 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. **87-33** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 27, 1987 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 87-33 the petition of JOHN SANSBURY for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS on Parcel A: Lots 13, 14 and 15 Meerdink's Little Ranches in Section 30, Township 43 South, Range 43 East a5 recorded in Plat Book 4, at Page 50, less the following: the East 15 feet of Lots 13, 14 and 15; the North 20

feet of Lot 13 and the external area formed by a 25 foot radius arc tangent to a line lying 20 feet south of, measured at right angles to, the North line of Lot 13 and tangent to a line lying 15 feet West of, measured at right angles to the East line of Lot 13, as conveyed to County of Palm Beach in the State of Florida, as recorded in Official Records Book 1655, at Page 148, together with:

Parcel B: A parcel of land lying and being in Section 30, Township 43 South, Range 43 East, said parcel being a portion of the 65 feet required right-of-way for E3 1/2 Canal according to the Lake Worth Drainage District Right-of-way Map, Sheet 229 of 240-Dated May 1969 and recorded in ORB 1732, page 612, said portion being West of and adjacent to Lot 13, less the North 20 feet thereof and Lots 14 and 15, Meerdink's Little Ranches, as recorded in Plat Book 4, page 50, being more particularly described as follows: Commencing at the Northeast corner of said Section 30 thence Southerly on an assumed bearing of South, along the East line of said Section 30 a distance of 1290.68 feet to a point, said point being the Easterly extension of the South line of the 80 foot road right-of-way of Westgate Avenue; thence west along the South right-of-way line of Westgate Avenue a distance of 254.20 feet to the Point of Beginning, said Point of Beginning also being on the west right-of-way line of said 65 foot L.W.D.D. E3 1/2 Canal, and the East line of the Plat of Westgate Estates, as recorded in Plat Book 15, page 16, thence South 2 degrees 48' 36" West along the West right-of-way line of said L.W.D.D. E3 1/2 Canal a distance of 220.29 feet; thence east 65.08 feet to the East line of the required 65 feet L.W.D.D. E3 1/2 Canal, thence North 2 degrees 48' 36" East along the said East right-of-way line of E3 1/2 Canal a distance of 220.29 feet to the South right-of-way of said Westgate Avenue; thence West along said right-of-way a distance of **65.08** feet to the Point of Beginning. The property is located on the west side of Congress Avenue (**SR 807**) approximately .2 miles south of Okeechobee Boulevard and was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) required number of trees.
 - b) the required landscaping between vehicular use areas and abutting properties or obtain variance relief from the Board of Adjustment.
 - c) the incorporation into the project design of the westernmost royal poinciana, and cluster of cabbage palms adjacent to the eastern entry, as identified on the project's site plan.
 - d) the relocation and/or incorporation into the Project design of all healthy oaks and cabbage Palms found on site.
2. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by 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 as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
3. The property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline 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 812,993.00 (485 trips X \$26.75 per trip).
5. Prior to site plan certification, the property owner shall submit verification that an agreement between the Lake Worth Drainage District's Governing Board and this petitioner has been executed for the use of Parcel B by this property owner. In the event that this agreement does not allow a design which meets the property development regulations, variance relief from the Board of Adjustment shall be sought or the site redesigned to meet property development regulations.
6. The petitioner shall convey to the Lake Worth Drainage District the west 10 feet of Lots 14, 15 and that part of Lot 13 according to the Plat of Meerdink's Little Ranches, south of Westgate Avenue for the required right-of-way for Equalizing Canal No. 3 1/2 B, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.

7. 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.
8. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
9. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.

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

Carol A. Roberts	-- Absent
Karen T. Marcus	-- Aye
Dorothy Wilken	-- Aye
Kenneth M. Adams	-- Absent
Carol J. Elmquist	-- Aye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of March 27, 1987.

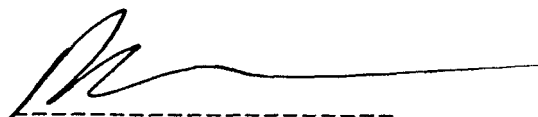
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK.....

BY:

Kathryn S. Miller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney