

RESOLUTION NO. R-90-1278

RESOLUTION APPROVING ZONING PETITION NO. 74-174(C)
SPECIAL EXCEPTION PETITION OF SUNBELT DISTRIBUTORS, INC.

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 have been satisfied; and

WHEREAS, Petition No. 74-174(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 25, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 74-174(C), the petition of SUNBELT DISTRIBUTORS, INC., for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN AUTOMOTIVE PAINT AND BODY SHOP TO DECREASE THE LAND AREA AND EXTINGUISH THE SPECIAL EXCEPTION FOR MINI WAREHOUSES on a parcel of land beginning at the intersection of the North line of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 36, Township 43 South, Range 42 East, with the Westerly right-of-way line of Military Trail (SR 809); Thence, due West along the said North line of the South 1/2 of the North 1/2 of the Northeast 1/4, of the Northeast 1/4 of the Southwest 1/4 a distance of 288.00 feet; Thence South 00 Degrees 10'22" West a distance of 152.00 feet; Thence, due East a distance of 267.00; Thence, North 45 Degrees 05'14" East, a distance of 29.74 feet to a point on the Westerly right-of-way line of Military Trail (SR 809); Thence, North 00 Degrees 10'22" East along said Westerly right-of-way a distance of 131.00 feet to the POINT OF BEGINNING and being located on the West side of Military Trail, approximately .4 mile North of Southern Boulevard, in a CG-General Commercial Zonings District, was approved on January 25, 1990 as advertised, -subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
5. Prior to site plan certification, the site plan shall be revised to reflect all old Landscape Code (Ordinance #73-5) requirements. Replanting to minimum code standards shall take place within 90 days of approval of this petition.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

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| Carol J. Elmquist, Chair | -- Aye |
| Karen T. Marcus | -- Aye |
| Carol Roberts | -- Aye |
| Ron Howard | -- Aye |
| Carole Phillips | -- Aye |

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Altman*
COUNTY ATTORNEY

BY: *Lynn D. Wilson*
DEPUTY CLERK