

RESOLUTION NO. R-80-841

RESOLUTION APPROVING ZONING PETITION

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. 80-88 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 May 1980; 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. The proposal would be in harmony and compatible with the present and future development of the area concerned
2. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of May, that Petition No. 80-88 the petition of HOWARD A. and MARGARET R. BAUER, by Anne Booth, Agent, for a SPECIAL EXCEPTION TO ALLOW A USED CAR LOT on a parcel of land in Section 36, Township 43 South, Range 42 East,

being more particularly described as follows: Beginning at the Northwest corner of Tract 68, Henry's Military Trail Addition, a subdivision recorded in Plat Book 21, page 39; thence Southerly 120 feet on the West line of said Tract 68 to a point; thence Easterly 151.4 feet on a line parallel to the North line of said Tract 68 to a point; thence Northerly 120 feet on a line parallel to the West line of said Tract 68 to the North line of said Tract 68; thence Westerly along the North line 151.4 feet to the Point of Beginning, LESS the West 3 feet of the West 151.4 feet of the North 120 feet of Tract 68 of Henry's Military Trail Addition, LESS the North 15 feet as in Official Record Book 1916, page 755, TOGETHER WITH: Beginning at a stake marking the Northeast corner of the Jean A. Price land, which stake is on the North line of and 151.4 feet East of the Northwest corner of Lot 68 of Henry's Military Trail Addition in said Section 36; thence South parallel to the West line of said Lot 68, on the East line of Jean A. Price, 190 feet to an iron pipe on the North line of Manchester Lane; thence East parallel to the North line of said Lot 68 and on the North line of Manchester Lane and its projection 90 feet to an iron pipe; thence North parallel to the first described course 190 feet to an iron pipe in the North line of said Lot 68; thence West on said North line 90 feet to the Point of Beginning, LESS the North 15 feet as in Official Record Book 1916, page 755. Said property located on the southeast corner of the intersection of Tulane Drive and Military Trail (S.R. 809) in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail.

2. Petitioner shall contribute Six Hundred Dollars (\$600.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the Occupancy and Use Permit.
3. All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy.
4. There shall be no outside storage of parts or junk vehicles.
5. All customer parking spaces must be so designated on the site and not used for display purposes.
6. Petitioner must install a 6 ft. high privacy fence.
7. The proposed used car lot shall be limited to a maximum of thirty (30) display vehicles and not more than sixteen (16) storage areas.
8. The circular driveway on Tulane Drive shall be enclosed.
9. One (1) well and one (1) septic tank shall be allowed on-site.
10. All storage areas must be so designated on the site plan submitted.
11. All lighting shall be installed to illuminate the subject property only.
12. There shall be no major repair of vehicles on-site.
13. Petitioner shall submit a written acknowledgement that the airport exists adjacent to the subject site and that the owner accepts all responsibility for any negative effects therefrom.

Commissioner Foster , moved for approval of the petition.

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

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member		Aye

The foregoing resolution was declared duly passed and adopted
this 24th day of June , confirming action of
29 May 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Otterson*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoeck
County Attorney

