

RESOLUTION NO. R-83-979

RESOLUTION APPROVING ZONING PETITION 80-79(A), 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. 80-79(A) was presented to the Board of County Commissioners of Palm Beach County at **its** public hearing conducted on 26th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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 proposed rezoning is consistent with the Land Use Plan designation for this property.
2. Provided that preventative measures are taken to prevent accidental groundwater contamination, the proposed development would be consistent with the Mandatory Performance Standards of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day, May 1983, that Petition No, 80-79(A) the petition of MARK **SABIN**, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE SITE PLAN FOR AN EXISTING AUTOMOBILE UPHOLSTERY SHOP PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-79, TO INCLUDE WHOLESALE NEW AND USED AUTOMOBILE SALES AND LOT on Lots 42, 43, 44, 45 and 46, less the Easterly 10 feet thereof, all in Block 31, **Westgate** Estates Northern Section, in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38. on Lots 12, 13, 14 exclusive **and** Lots 42, 43, 44, 45, 46, less the Easterly 10 feet thereof, all in Block 31, **Westgate** Estates Northern Section in Section 30, Township 43 South,

Range 43 East as recorded in Plat Book 8, Page 38. Said property located on the north side of Nokomis Avenue and on the south side of **Westgate** Avenue, approximately **.3 mile** west of Wabasso Drive was approved as advertised subject to the following conditions:

1. The development shall retain **onsite** 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The development shall not be permitted access onto Nokomis Avenue, except for emergency lock-gate fire **apparatus** access.
3. The developer shall contribute Two Hundred and **Twenty-Five** (\$225.00) Dollars toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
4. In order to provide for adequate fire and emergency protection, the development shall provide for **lock-gate** fire access from Nokomis Avenue and internal fire lanes to the specifications of the Fire Marshall.
5. The site plan shall be amended to provide for a **six-foot** high stucco exterior finish masonry wall with a Jock-gate for fire access along the Nokomis Avenue frontage. This wall shall be supplemented with landscaping along Nokomis Avenue,
6. All upholstery activity shall be conducted entirely within enclosed buildings **and no** general mechanical repair shall be allowed.
7. Only toilets and customary lavatories **may** be connected to the septic system. Any work area drains shall be connected to an approved disposal system in accordance with *applicable **environmental** regulations,
8. **Reasonable** precautions shall be exercised during site **development** to insure that dust particles from this property do not become a nuisance to neighboring properties.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this **property will** enter adjacent or nearby surface waters.

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

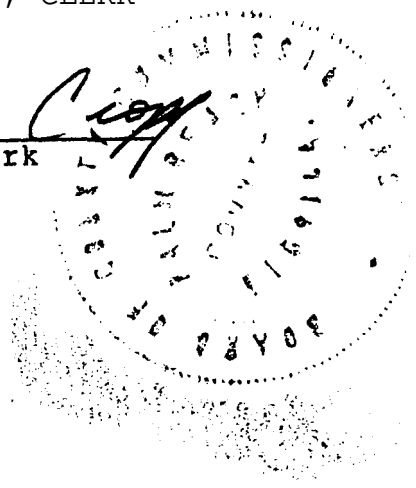
Peggy E. Evatt, Chairman	--	AYE
Ken Spillias , Vice Chairman	--	APE
Dennis P. Koehler , Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
'Bill -Bailey; Member	--	ABSENT

The foregoing resolution was **declared** duly passed and adopted **this 30th day** of **August** , **1983** , confirming action of 26th May 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa Ciopp*
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Carlett
County Attorney