

RESOLUTION NO. R-83-994

RESOLUTION APPROVING ZONING PETITION 83-68, 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, 83-68 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th 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 use is consistent with the Land Use Designation and Mandatory Performance Standards of the Comprehensive Plan.
2. The intensity of the proposed use must be reduced in order to meet applicable property development regulations and to reflect right-of-way requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day **May** 1983, that Petition No. 83-68 the petition of **ZENA** THRUSH, JOSETTE DIBAUDA, JAY AND LINDA BURRY, By Jay Burry, Agent, **for** a SPECIAL EXCEPTION TO AMEND THE PREVIOUSLY APPROVED ZONING PETITION NO. 78-114 TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITY AND LOT on that part of Tract 21, Model Land Company's Subdivision of Section 24, **Township 44 South**, Range 42 East, as recorded **in** Plat Book 5, Page 76, lying North of the Plat of **Kenwood**, as recorded in Plat Book 3, Page 44, less the East 28 feet thereof. Said property located on the southwest corner of the **intersection** of Military Trail (S.R.809) and 10th Avenue North in a

CG-General Commercial District was approved as advertised subject to the following conditions:

1. The property owner shall convey to Palm Beach County within 90 days of approval 54 feet from centerline for the ultimate right-of-way for 10th Avenue North, approximately an additional 14 feet of right-of-way.
2. The property owner shall reserve for future dedication to Palm Beach County, an additional 22 feet (76 feet from centerline), for the "Special Intersections" per Palm Beach County's Thoroughfare Right-of-Way Protection Map, The petitioner shall enter into a removal agreement with the county to provide for removal of anything placed within the reserved right-of-way and agrees to limit compensation for the taking of the ultimate right-of-way to the value of ~~the~~ unimproved land only.
3. The developer shall contribute One Thousand Four Hundred and Thirteen Dollars (**\$1,413.00**) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
4. The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division and shall obtain positive outfall prior to the issuance of building permits.
5. The proposed site plan shall be amended prior to site plan certification to reflect ultimate rights-of-way and applicable property development regulations.
6. Only toilets and accessory lavatories may be connected **to** the proposed septic system. The developer shall insure that petroleum products, solvents, and other chemicals are disposed of in accordance with applicable environmental regulations.
7. The developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters,

Commissioner Bailey , 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:

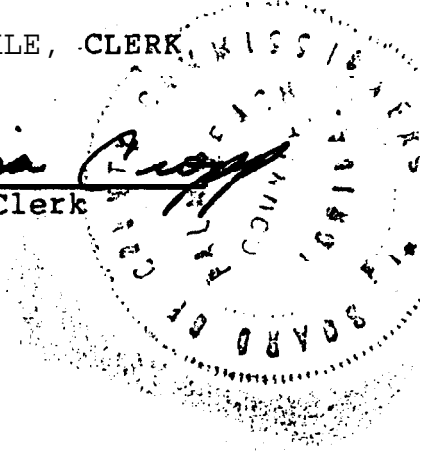
Peggy E. Evatt, Chairman	-- <b>AYE</b>
Ken Spillias, vice Chairman	-- <b>ABSENT</b>
Dennis P. Koehler, Member	-- <b>ABSENT</b>
Dorothy Wilken, Member	-- <b>AYE</b>
Bill Bailey, Member	-- <b>AYE</b>

The foregoing resolution was declared duly passed and adopted this **30th day of August** , **1983** , confirming action of  
27th May 1983,

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lisa [Signature]  
Deputy Clerk



APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney