

RESOLUTION NO. R-83-997

RESOLUTION APPROVING ZONING PETITION 83-72, 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. 83-72 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 Special Exception is consistent with the Future Land Use Plan and Mandatory Performance Standards of the Comprehensive Plan.
2. The proposed use can be accommodated to the site while meeting all applicable property development regulations.
3. The proposed use is compatible with adjoining properties;

NOW, THEREFORE, BE XT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day May 1983, that Petition No. 83-72 the petition of NORTH PALM IMPORTS LIMITED, INC., A FLORIDA CORPORATION, By Clyde A. Davenport, Agent, for a SPECIAL EXCEPTION TO ALLOW THE EXPANSION OF AN EXISTING COMMERCIAL NEW AND USED AUTOMOBILE SALES AND REPAIR FACILITY AND LOT on a parcel of land in the Southwest 1/4 of Section 17, Township 42 South, Range 43 East, more particularly described as follows:

Commencing at the intersection of the Easterly **right-of-way** line of the Florida East Coast Railroad and the Westerly extension of the Southerly right-of-way line of Richard Road as said 'right-of-way as shown on the

plat of Kelsey Acres recorded in Plat Book 22, Page 16, thence Southerly along the Easterly right-of-way line of the **F.E.C.** Railroad a distance of 530.00 feet to the Point of Beginning and the Northwest corner of the herein described parcel of land; thence continue Southerly along the Easterly right-of-way line of the **F.E.C.** Railroad a distance of 465.00 feet; thence Easterly making an angle with the preceding course measured from North to East of $88^{\circ}57'31''$ a distance of 215.09 feet, more or less to the East line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 17; thence Northerly along said East line a distance of 198.74 feet to an intersection with the Westerly right-of-way line of State Road Alternate A-1-A, said right-of-way line also being the arc of a curve concave to the Southwest and having a radius of 5689.58 feet; thence continue Northerly along the arc of said curve and said Westerly right-of-way line through an angle of $03^{\circ}02'29''$ a distance of 302.02 feet; thence Westerly a distance of 271.47 feet, more or less, to the Point of Beginning, Less and excepting therefrom the following described land: That part of the southwest $\frac{1}{4}$ of Section 17, Township 42 South, Range 43 East, **lying** Easterly of the Florida East Coast Railway and Westerly of the Westerly existing right-of-way line for State Road Alternate **A-1-A**, said part being more particularly described as follows: Commence at the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 17; thence North $88^{\circ}04'55''$ West along the South line of said Section 17 a distance of 733.66 feet to a point on the Baseline of Survey for State Road Alternate A-1-A; thence North $20^{\circ}25'19''$ West **along** said Baseline a distance of 1184.25 feet; thence South $69^{\circ}34'41''$ West a distance of **55.0** feet to a point being the beginning of a curve concave **Southwesterly** having a tangent bearing of North $20^{\circ}25'19''$ West **through** said Point **Northwesterly** along said curve having a radius of **619.45** feet through an angle of $02^{\circ}10'17''$, an arc of **234.79** feet to the Point of Beginning; thence continue along said curve through an angle of $03^{\circ}07'45''$, an arc distance of 338.36 feet; thence North $64^{\circ}29'31''$ East a distance of 14.44 feet to a point on a curve concave Southwesterly having a tangent bearing South $26^{\circ}01'01''$ East through said point; thence Southeasterly along **said** curve having a radius of 5689.58 feet through an angle of $03^{\circ}04'45''$ an arc distance of 305.77 feet; thence south $01^{\circ}58'30''$ West a distance of 36.65 feet to Point of Beginning.

Said property located on the west side of State Road Alternate A-1-A, approximately .2 mile north of Northlake Boulevard (S.R.809A) in an CG-General Commercial District was **approved as advertised** subject to the following conditions:

1. The development must 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 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.
3. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
4. Only toilets and accessory lavatories may be connected to the septic system. All petroleum products, solvents, paints, antifreeze and other chemicals must be disposed of in accordance with applicable environmental regulations.

Commissioner **Wilken** , 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:

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

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

John [Signature]
County Attorney