

RESOLUTION NO. R-85-653

RESOLUTION APPROVING ZONING PETITION 84-184(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. 84-184(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of January 1985, that Petition No. 84-184(A) the petition of HARRY HAMILTON, AS TRUSTEE By Charles DeSanti, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lot 4, Revised Plat of Merlin Park, in Section 25, Township 43 South, Range 42 East, as recorded in Plat Book 23, Page 124. Said property located on the south side of Elmhurst Road and approximately 225 feet west of Military Trail (S.R.809), being bounded on the south by Myla Lane was approved as advertised subject to the following conditions:

1. Prior to certification by the Site Plan Review Committee, variance relief from front and side interior setback shall be secured from the Board of Adjustment, or the nonconforming structure shall be removed.
2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

3. A site plan acceptable to the County Engineer shall be submitted indicating the **elimination** of back-out parking onto Myla Lane.
4. Access shall be limited to Elmhurst Road or through the adjacent lots to the east, from Military Trail.
5. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$3,750.00.
6. Prior to Site Plan Review a Unity of Title shall be recorded, joining this and the three lots to the east.
7. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
8. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30 F.A.C.
9. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
10. The petitioner shall provide landscaping buffers along the southern and western property lines, of 75% (seventy-five percent) opacity and at least six feet in height.

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilken , Vice Chairman	--	ABSENT
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of April, 1985, confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Paul Sprague  
County Attorney