

RESOLUTION NO. R-85-1083

RESOLUTION APPROVING ZONING PETITION 85-31, 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. 85-31 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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. With minor amendments to the site plan, 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 23rd of May 1985, that Petition No. 85-31 the petition of H & I EQUIPMENT CORPORATION By Paul Parker, Agent for a SPECIAL EXCEPTION TO ALLOW AN AUTO PAINT AND BODY SHOP on Lot 42 and 43, Okeechobee Garden Estates, in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 23, Page 181. Said property located on the east side of Scott Avenue, approximately 330 feet north of Okeechobee Boulevard (S.R. 704) in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

A) 40 foot wide parking bay to accommodate 60 degree parking or revised to appropriate code standards pursuant to Section 500.17.

B) Accommodation of one (1) loading bay.

C) The required number of parking spaces, or variance relief shall be obtained from the Board of Adjustment.

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. 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.

5. 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.

6. Within each standard 20 foot parking stall, concrete wheel stops shall be anchored two feet from the head of the stall in order to maintain proper parking angles.

7. The developer shall construct Scott Avenue from the present paved terminus north of Okeechohee Boulevard to the project's north property line, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

8. 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. The Fair Share Fee for this project is \$1,474.00.

9. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

10. 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.

11. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

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:

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

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.