

RESOLUTION NO. R- 85-1969

RESOLUTION APPROVING ZONING PETITION 85-125, 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. 85-125 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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 site plan amendments and/or variance relief, 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 30th of September 1985, that Petition No. 85-125 the petition of BOB-MAR, INC., By Marion L. Van Horn, President, for a SPECIAL EXCEPTION TO ALLOW A RECREATIONAL VEHICLE REPAIR FACILITY on all that certain parcel of land in Section 29, Township 43 South, Range 43 East, described as follows:

From a point in the North line of said Section 29 which is 50 feet East of the East line of Madrid Park, Plat of which is recorded in Plat Book 13, Page 78, run Southerly along a line parallel to the East line of Madrid Park a distance of 684.20 feet to a point, being the Point of Beginning; from said point run Easterly, parallel to the North line of said Section 29, a distance of 144.42 feet to a point; thence Northerly, along a line parallel to the East line of Madrid

Park, a distance of 31.00 feet to a point; thence Westerly, along a line parallel with the North line of said Section 29, a distance of 144.42 feet; thence Southerly 31.00 feet to the Point of Beginning.

Together with:

**All** that certain parcel of land in Section 29, Township 43 South, Range 43 East, described as follows:

Beginning at a point which is 684.23 feet Southerly from the North line of said Section 29 and 50 feet Easterly from the East line of Madrid Park, Plat of which is recorded in Plat Book 13, Page 78, thence Southerly, along a line parallel to the East line of Madrid Park, a distance of 85.53 feet to a point; thence run Easterly a distance of 614.42 feet to a point 770.20 feet Southerly from the North line of said Section 29 measured along a line parallel to the East line of Madrid Park; thence run Northerly a distance of 85.53 feet to a point; thence run Westerly a distance of 614.42 feet to the Point of Beginning; excepting therefrom that portion of said parcel which lies East of the West line of Frank Street, as shown upon the plat of Smithview recorded in Plat Book 23, Page 112, if extended Southward. Together with:

**All** that certain plot or parcel of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows:

Beginning at a point in the North line of said Section 29, which is 50 feet East of the East line of Madrid Park (according to the Plat thereof recorded in Plat Book 13, Page 78), run Southerly along a line parallel to the said East line of Madrid Park, a distance of 769.76 feet to a point, being the Point of Beginning, thence run Southerly from said point of beginning, along a line parallel to the East line of Madrid Park, a distance of 25 feet; thence run Easterly, along a line parallel to the North line of said Section 29, a distance of 144.42 feet; thence run Northerly along a line parallel to the East line of Madrid Park, a distance of 25 feet; thence Westerly along a line parallel to the North line of Section 29, a distance of 144.42 feet to the Point of Beginning. Together with:

A parcel of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows:

From a point which is 50 feet East of the East line of Madrid Park, according to the Plat thereof recorded in Plat Book 13, Page 78, and 794.76 feet South of the North line of Section 29, measured along a line which is parallel to the East line of Madrid Park, run Easterly along a line which is parallel to the North line of Section 29, a distance of 144.42 feet to the Point of Beginning and the Southwest corner of the parcel herein conveyed; thence run Northerly, along a line which is parallel to the East line of the Northwest 1/4 of said Section 29, a distance of 25 feet, more or less, to a point in the South line of that certain parcel which was conveyed to Virgil Lee Smith by a deed recorded in Deed Book 931, Page 380, thence Easterly, along said South line, a distance of 60 feet, more or less, to a point in a line which is the West line of Frank Street, as shown upon the plat of Smithview, recorded in Plat Book 23, Page 112, if extended Southward; thence Southerly, along said Southerly extension of the West line of Frank Street, a distance of 25 feet; thence run Westerly a distance of 60 feet, more or less, to the Point of Beginning. Said property located on the east side of Church Street approximately 700 feet south of Okeechobee Boulevard (S.R. 704) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the following:
  - a) Redesign of the parking area layout to provide for the required five (5) foot wide landscape strip.
  - b) Removal and/or relocation of the two parking spaces that encroach upon the required accessway safe corner areas.
2. Use of the recreational vehicle (R.V.) repair center shall be limited to repair and servicing of recreational vehicles only.
3. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the R.V. repair center.
5. No parking of any vehicles shall be permitted along the rear of the R.V. repair center except in designated spaces or unloading areas.
6. Board of Adjustment Variance Relief shall have been obtained prior to site plan certification for any resultant reduction in the minimum number of required parking spaces.
7. 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.

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

9. 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.

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.

12. 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.

13. The property owner shall convey for the ultimate right-of-way of Church Street, 30 feet from centerline (approximately an additional 5 feet), within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

14. The property owner 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 presently is \$938.00 based upon 35 trips/day.

15. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

16. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Church Street.

17. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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:

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

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Hickman  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Brown  
County Attorney

FILED THIS ..... DAY OF  
**DEC. 03. 1985**, 19 .....

AND RECORDED IN  
MINUTE BOOK NO. .... AT  
PAGE ..... RECORD VERIFIED  
JOHN B. DUNKLE, CLERK  
BY LH ..... D.C.