

RESOLUTION NO. R- 86-229

RESOLUTION APPROVING ZONING PETITION 85-132, 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. 85-132 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 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 site plan modifications, this proposal will be 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 4th of December 1985, that Petition No. 85-132 the petition of ROBERT NEEDLE, TRUSTEE, By Richard D. Taylor, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the West 150 feet of the South 150 feet of the North 185 feet of Tracts A and B, Block 3, Palm Beach Farms Company, Plat No. 7, in Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Said property located on the south side of Lake Worth Road (S.R. 802) approximately 850 feet west of Congress Avenue (S.R. 807) 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) A six (6) foot solid masonry wall along the south property line.
 - b) A thirty-five (35) foot maximum access driveway dimension, and

alignment of same with the parking area interior maneuvering aisle.

c) A minimum twenty (20) foot rear yard setback, or obtain Zoning Board of Adjustment variance relief to allow the existing six (6+-) foot rear setback.

2. No storage or placement of any materials, goods, refuse, equipment or accumulated debris shall be permitted in the rear or side yards of the lot and structure.

3. Security lighting shall be directed away from nearby rights-of-way.

4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

5. 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 \$1,982.00 (74 trips X \$26.79 per trip).

6. Use of the site shall be restricted to an Auction/Furniture Store.

7. 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.

8. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Lake Worth Road.

9. 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.

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

11. 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.

12. 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.

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

14. The 6' wall shall be supplemented with trees planted 30 feet on center, 10-12' canopy.

15. The petitioner shall comply with prospective amendments to the Landscape Code when adopted.

16. There shall be no off-site parking on adjacent rights-of-way.

17. The seating capacity shall not exceed 50 persons.

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

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Patricia Weaver*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Boyer
County Attorney