

RESOLUTION NO. R- 86-853

RESOLUTION APPROVING ZONING PETITION 85-101(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. 85-101(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 1986; 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. With site plan modification and/or variance relief the proposal will be consistent with Zoning Code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of May 1986, that Petition No. 85-101(A) the petition of CLEM AND LOIS GUIDER By David Carpenter, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN AUTOMOBILE RENTAL FACILITY AND LOT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-101, TO INCREASE THE ACREAGE BY .27 ACRES on Lot 4, and the North 1/2 of Lot 5, Meerdink's Little Ranches, in Section 30, Township 43 South, Range 43 East, according to the Plat as recorded in Plat Book 4, Page 50, less the East 15 feet thereof conveyed in Official Record Book 1656, Page 489. Said property located on the west side of Congress Avenue (S.R. 806), approximately 250 feet south 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) the required hedge material between the vehicular use area and adjacent properties and rights-of-way.
 - b) A six (6) foot high solid masonry wall between the vehicular use area and the adjacent residential area to the north or obtain variance relief from the Board of Adjustment.
 - c) Wheel stops or curbs for the parking spaces facing the property line and/or overhanging into a landscape area.
2. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.
3. Security lighting shall be directed away from nearby residences.
4. If variance relief is not obtained the required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center.
5. Minimum landscaping shall be installed as presented on Exhibit Number 26 or the new landscape code, whichever is greater in effect.
6. 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.
7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
8. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation.
9. 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.
10. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
11. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluent.
12. 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 is \$2,947.00 (110 trips X \$26.79 per trip) .
13. The petitioner shall convey to the Lake Worth Drainage District the west ten (10) feet of the subject property for the required right-of-way for Equalizing Canal No. 3 1/2-8 by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of adoption of the Resolution by the Board of County Commissioners. In the event the owner wishes to install a storm sewer in the E-3 1/2-8, the LWDD will waive any additional right of way upon application to the District and appropriate permit being drawn.

Commissioner Owens , moved for approval of the

petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

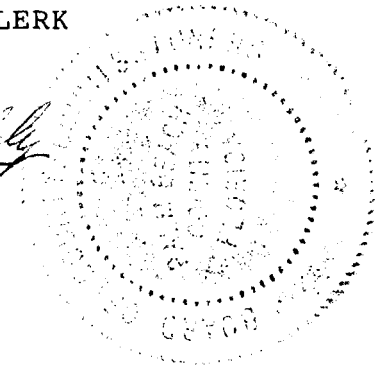
Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of June, 1986 confirming action of the 2nd May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Neil
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Spagnoli
County Attorney