

RESOLUTION NO. R-87-16

RESOLUTION APPROVING ZONING PETITION 84-102(D), 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. 84-102(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted June 27, 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. With site plan modification or Board of Adjustment relief, 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 13th day of January, 1987, that: Petition No. 84-102(D), the petition of JOSEPH D. FARISH, AS TRUSTEE, By Robert Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED AUTOMOBILE SALE, RENTAL AND REPAIR FACILITIES AND LOT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO\* 84-102(C), TO INCREASE THE TOTAL BUILDING SQUARE FOOTAGE on the

Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, Less the East 60 feet for road purposes. Said property located on the southwest corner of the intersection of Military Trail (S.R. 809) and Sunny Lane in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. The petitioner shall comply with the conditions of approval of all previously approved petitions for this site, unless expressly modified previously or herein.
2. The spaces designated for display purposes shall be clearly identified through a signage system. Customer use of such spaces shall be prohibited and strictly enforced by the dealership management. Further, parking spaces directly adjacent to the service building shall be used by service customers only, and signage shall be installed to identify such.

3. Condition No. 10 which presently states:

"10. 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 \$65,344."

is hereby amended to state:

"10. 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 presently is \$83,317 (3,100trips X \$26.79 per trip)."

4. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$20,829 toward Palm Beach County's existing Roadway Improvement Program. These total funds of 8104,146 are to be paid at the time of the issuance of the first building permit or within 12 months of Board of County Commissioners approval. Credit for monies already paid for turn lanes at Haverhill Road and Sunny Lane shall be credited toward this total amount.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of 820,829 shall be credited toward the increased Fair Share Fee.

5. Prior to Site Plan Certification, all graphics presented at the Planning Commission and Board of County Commissioners meeting shall be submitted to the Zoning Division for inclusion into the file of Petition No. 84-102(D).

6. Condition No. 13 of Petition No. 84-102(A) which states:

"13. The six foot wail and landscape buffers shall be installed as shown on the site plan presented to the Board of County Commissioners in the public hearing."

is hereby deleted.

7. Condition No. 14 of Petition No. 84-102(A) which states:

"14. Prior to site plan certification, exact copies of all graphics and exhibits presented at the Planning Commission and Board of County Commissioners' public hearings shall be submitted to the Zoning Division and made part of the permanent petition file."

is hereby deleted.

8. Condition No. 15 of Petition No. 84-102(A) which states:

"15. Landscape buffers along property lines abutting residentially zoned property shall be installed as consistent with the diagram of landscape buffer, 100' section, presented in the public hearings, except that the 6' wall shown shall be a solid wall, not louvred."

is hereby amended to state:

"15. Minimum landscaping buffer width and treatment shall be installed as shown on Exhibit No. 48."

9. Condition No. 2 of Petition No. 84-102(B) which states:

"2. The landscape buffer treatment along Sunny Lane shall be consistent with the landscape conditions imposed on Petition No. 84-102(A)."

is hereby deleted.

Commissioner Owens, 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:

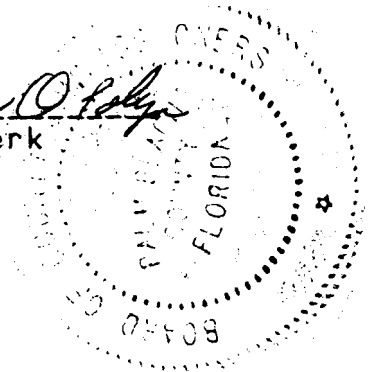
Karen T. Marcus	-- AYE
Jerry L. Owens	-- AYE
Ken Spillias	-- ABSENT
Dorothy Wilken	-- AYE
Kenneth M. Adams	-- ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of January, 1987 confirming action of June 27, 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Kelly*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*BMC*  
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County Attorney