

RESOLUTION NO. R- 87-114

RESOLUTION IMPROVING ZONING PETITION 86-75, 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. 86-75 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 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 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 27th day of January, 19-87, that: Petition No. 86-75, the petition of SEYMOUR FINE By Kieran J. Kilday, Agent for a SPECIFIC EXCEPTION TO ALLOW A COMMERCIAL NEW FIND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND REPAIR FACILITY AND LOTS beginning at the Northwest section corner of Section 29, Township 43 South, Range 43 East, run South along the West section line 1363.98 feet to a point; thence Easterly along a line which is 89 degrees 45' 20" to the

West line of Section 29, measured from North to East, a distance of 33 feet to the Point of Beginning, thence continuing Easterly along the same line a distance of 200 feet to a point; thence Northerly parallel to the West section line a distance of 92.98 feet to a point; thence Westerly along a line which is parallel to the first course a distance of 200 feet to a point; thence Southerly along a line which is 33 feet East of and parallel to the West section line a distance of 92.98 feet to the Point of Beginning, Less the West 7.0 feet thereof for Right-of-way of Congress Avenue. Said property located on the southeast corner of the intersection of Congress Avenue (S. R. 807) and Westgate Avenue 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) required landscape buffer
 - b) layout of parking and channelization in "auto holding area"
 - c) a tree in the terminal island
2. Sewer and/or water service has been confirmed by the Utility company responsible for serving the area. Therefore, septic tank and/or well cannot be approved for the subject property.
3. 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. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.
4. The property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline (approximately an additional 20 feet) within 90 days of the approval of the Resolution approving this project.
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 \$3,697.00 (138 trips X \$26.79 per trip).
6. Use of the site shall be limited to automobile leasing operators and customary accessory uses. No mechanical repairs shall be permitted on site.

Commissioner Spillias, moved for approval of this petition. The motion was seconded by Commissioner Owens, 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 27th day of January, 1987 confirming action of July 24, 1986.

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BY ITS EOFIRD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk

APPROVED AS TO FORM
FIND LEGAL SUFFICIENCY


County Attorney

