

RESOLUTION NO. R-87-240

RESOLUTION CIPPROVINO ZONING PETITION 86-115, 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. 86-115 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 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 required 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 10th day of February, 1987, that: Petition No. 86-115, the petition of GCIYWOOD AND MCIRGCIRET WAGNER By Beril Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL SALES AND SERVICE ENTERPRISE OF AN AGRICULTURAL NATURE on Parcel 1a The easterly 256 feet of the West 316 feet of the South 330 feet of the North 1,016 feet of the North 1/2 of the Northeast 1/4, Less the Right-of-Way for State Road 809, and Parcel 2 2 The South 120 feet

of the North 636 feet of the East 266 feet of the West 316 feet of the North 1/2 of the Northeast 1/4, Less the additional road Right-of-way for State Road 809, all of the above being in Section 25, Township 42 South, Range 42 East. . Said property located on the northeast corner and the southeast corner of the intersection of Military Trail (S.R. 809) and Leo Lana in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the rite plan shall be revised to reflect the following:
  - a. one (1) of the three (3) alternative perimeter landscape strips between the proposed nursery facility and the abutting residential lots
  - b. one (1) tree per 2,500 square feet of lot area
  - c. one (1) tree per 30 lineal feet between all vehicular use areas and abutting rights-of-way
  - d. the incorporation and preservation of any mature slash pine trees on the northern parcel
  - e. submittal of a vegetation removal application and all required materials.
2. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system-
3. No sales of chemical products shall be permitted on the site.
4. The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, 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.
5. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from center line, within 90 days of tho approval of the Resolutian approving this project.
6. That portion of site on the northeast corner of Military Trail and Leo Lane shall be limited to storage and access uses only.
7. Prior to site plan certification, petitioner shall submit a Unity of Title agreement covering the entire site.
8. Developer shall construct a pedestrian walkway along the

project's limits; i.e. along the entire frontage along Military Trail.

Commissioner Adams, 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:

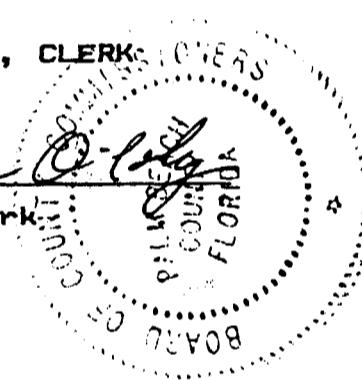
Karen T. Marcus	--	ABSENT
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Gdams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987 confirming action of September 25, 1986.

PFILM BERCH COUNTY, FLORIDEI  
BY ITS BORRD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Cole*  
Deputy Clerk



FIPPROVED AS TO FORM  
FIND LEGRL SUFFICIENCY

*[Signature]*  
County Attorney