

RESOLUTION NO. R- 83-110

RESOLUTION APPROVING ZONING PETITION 82-101, 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. 82-101 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 August 1982; 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. The proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day of August, 1982, that Petition No. 82-101 the petition of DKBERT ASSOCIATES by Edward B. Rudner, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCKS, MOTORCYCLE SALES, RENTAL AND REPAIR FACILITIES AND LOTS, INCLUDING A CAR WASH AND GASOLINE PUMP ISLAND FACILITIES on all of that certain plot or parcel of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows: BEGINNING at a point 1025 feet East of the West line and 726 feet North of the South line of said Section;

thence South 42° East to a Point in the North right-of-way line of Belvedere Road, 1650 feet to the West line and 66 feet North of the South line of the said Section; thence East along the North line of said Belvedere Road 280 feet; thence North at right angle or nearly so to Belvedere Road 660 feet and thence Westerly parallel or nearly so to said North line of Belvedere Road 909.58 feet to the Point or Place of Beginning. Said property located on the north side of Belvedere Road, approximately .3 mile east of Congress Avenue in a Cg-General Commercial District, was approved as advertised subject to the following conditions:

1. Significant native vegetation shall be incorporated into the site plan where possible.
2. As a consumer service entity, retail uses shall be prohibited.
3. A variance from the Palm Beach County legal positive outfall requirement will be necessary.
4. The developer shall take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to the neighboring properties.
5. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
6. Prior to the issuance of a Certificate of Occupancy:
 - a. Developer shall close the existing median opening on Belvedere Road located 150' west of the east entrance to the **CoTran** Facility.
 - b. Construct a left turn lane west approach on Belvedere Road at the project's west entrance per County Engineer's approval.
7. Drainage system shall be approved by the County Engineer.
8. The developer shall contribute Five Thousand One Hundred and Thirty Eight Dollars (**\$5,138.00**) toward the cost of meeting this project's direct and identifiable traffic impact, is to be paid at the rate of **\$.58** per square foot at the time of issuance of the building permit(s).
9. Petitioner shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of **the** Permit Section, Land Development Division.

Commissioner Koehler moved for approval of the petition. The motion was seconded by Commissioner **Evatt**, and upon being put to a vote, the vote was as follows:

Norman Gregory, Chairman	-	Absent
Peggy Evatt, Vice Chairman	-	Aye
Bill Bailey, Member	-	Aye
Dennis Koehler, Member	-	Aye
Frank Foster, Member	-	Nay


The foregoing resolution was declared duly passed and adopted this 25th day of January, 1983, confirming action of 26 August 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____

John B. Dunkle
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Corbett
County Attorney