

RESOLUTION NO. R-83-1096

RESOLUTION APPROVING ZONING PETITION 83-24(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. 83-24(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th July 1983; 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 is consistent with the Comprehensive Plan and Mandatory Performance Standards.
2. The proposed development can be accommodated to the subject site while meeting all property development regulations.
3. With proper redesign to provide safeguards regarding noise and buffering, the proposed development should not have any significant negative impacts upon nearby residences.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day July 1983, that Petition No. 83-24(A) the petition of JOSE D. LEZCANO, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE FACILITY in Section 12, Township 44 South, Range 42 East, Lot 1, Block 2, Palms Estates, as recorded in Plat Book 20, Page 85. Less, however, the right-of-way for Military Trail (S.R.809) as recorded in Road Plat Book 3, Page 75. Subject to an easement 6 feet in width being more particularly described as follows: The East 6 feet of the West 16 feet of Lot 1, Block 2, Palms Estates, as Recorded in Plat Book 20, Page 85. Grantee assures Grantor the right to landscape

the above described easement. Said property located on the southeast corner of the intersection of Palm Avenue and Military Trail (S.R.809) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. All loading and dumpster activities shall be confined to the southwestern portion of the site.
2. Prior to site plan certification, the developer shall obtain an easement release from Florida Power and Light to permit the installation of required landscaping within the proposed six (6) foot utility easement.
3. The development must retain onsite 85% of the stormwater runoff generated by the three (3) year storm per the requirements of the County Engineer's Land Development Division Permit Section.
4. The developer shall contribute One Thousand Five Hundred and Seventy-Five (\$1,575.00) Dollars toward the cost of meeting this development's direct and identifiable traffic impact to be paid at the time of issuance of building permits.
5. No petroleum distillates, acids, solvents, or other toxic chemicals shall be disposed of via the septic tank or french drain system. The automotive service area shall not have floor drains.
6. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
7. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
8. The property shall be developed as shown on Exhibit No. 15, including no access to Palm Avenue, a four foot high chain link fence behind the hedge along Palm Avenue, a six-foot high solid fence along the eastern property boundary, no outdoor speakers or storage.
9. Hours of operation shall be limited to the hours between 8:00 A.M. and 5:00 P.M. for repair activity and between 8:00 A.M. to 7:00 P.M. for salesroom activity.

Commissioner Spillias, 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:

Peggy E. Fvatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of SEP 13 1983, confirming action of 28th July 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Merdy Walden*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Bufest
County Attorney

