

RESOLUTION NO. R- 84-59

RESOLUTION APPROVING ZONING PETITION 83-68(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, Pet it ion No. 83-68(A) was presented to the Board of County Commissioners of Palm Beach County at *its* public hearing conducted on 29th September 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendatons 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 proposed use is consistent with the Land Use Designation and Mandatory Performance Standards of the Comprehensive Plan.
2. The intensity of the proposed use must be reduced in order to meet applicable property development regulations and to reflect right-of-way requirement 5.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PRLM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day September 1983, that Petition No. 83-68(A) the petition of ZENR THRUSH, JOSETTE DIBAUDA, JAY AND LINDA BURRY, By Jay Burry, Agent, for a SPECIAL EXCEPTION TO AMEND THE PREVIOUSLY APPROVED ZONING PETITION NO. 78-114 TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITY AND LOT on that part of Tract 21, Model Land Company's Subdivision of Section 24, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 76, lying North of the Plat o f Kenwood, as recorded in Plat Book 3, Page 44, less the East 28 feet thereof. Said property located on the southwest corner of the

intersection of Military Trail (S.R. 809) and 10th Avenue North in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The property owner shall convey to Palm Beach County, within 90 days of approval, 54 feet from centerline for the ultimate right-of-way for 10th Avenue North, approximately an additional 14 feet of right-of-way.
2. The property owner shall reserve an additional 22 feet (76 feet from centerline), for the "Special Intersection" per Palm Beach County's Thoroughfare Right-of-Way Protection Map.
3. The developer shall contribute One Thousand Four Hundred and Thirteen Dollars (\$1,413.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
4. The development shall retain onsite 85% of the storm water runoff generated by a three (3) year per storm requirements of the Permit Section, Land Development Division.
5. The proposed site plan shall be amended prior to site plan certification to reflect ultimate rights-of-way and applicable property development regulations.
6. Only toilets and accessory lavatories may be connected to the proposed septic system. The developer shall insure that petroleum products, solvents, and other chemicals are disposed of in accordance with applicable environmental regulations.
7. 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.
8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
9. Only minor work customary to used car sales preparation will be permitted and shall be limited to an enclosed building to be located within the eastern half of the property.
10. Hours of operation shall be limited to the hours between 7:00 A.M. to 8:00 P.M. Monday through Saturday and 12:00 P.M. to 5:00 P.M. on Sundays.
11. No inoperative vehicles are permitted to be stored outdoors on the property.
12. Security lighting shall be directed only toward the north and east and shall not shine across property lines into adjoining residential areas.

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

Peggy E. Evatt, Chairman -- AYE
Ken Spillias, as. 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 10th day of Jan. , 1984 , confirming action of 29th September 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Darlene Harris*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Carlett
County Attorney