

RESOLUTION NO. R- 84-514

RESOLUTION APPROVING ZONING PETITION 83-169, 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 482.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-169 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 22nd December 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 proposed special exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. The proposed development should not have any significant negative impacts upon adjoining property provided adequate screening is employed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 22nd day December 1983, that Petition No. 83-169 the petition of KEN WRTSON By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC ENCLOSED AUTOMOBILE AUCTION on East 1/2 Tract 51 .tg the East 1/2 Tract 78 and the North 26.33 feet to 48.72 feet of the East 1/2 of Tract 71, Block 5, Palm Beach Farms Company Plat No. 3 in Section 33, Township 43 South, Range 42 East, as recorded in Plat Book 2, Page 46. Said property located on the north side of State Road No. 80 (Southern Boulevard) approximately .1 mile east of Cleary Road (170th Drive North) was approved as advertised subject to the following:

1. This development shall retain **onsite** 85% of the stormwater runoff **generated** by a three (3) year storm per the requirements of the Permit Section, Land Development Division.
  2. The property owner shall convey for the ultimate right of way of:
    - a. Southern Boulevard, 220 feet north of the north right of way of the West Palm Beach Canal, approximately an additional 145 feet, within ninety (90) days of approval.
    - b. **Wallis** Road, thirty (30) feet from centerline, approximately an additional fifteen (15) feet within ninety (90) days of approval.
- All conveyances must be accepted by Palm Beach County prior to the issuance of the first Building Permit.
3. The developer shall construct concurrent with **onsite** paving and drainage improvements, pursuant to a Paving and Drainage Permit issued from the Office of the County Engineer, **Wallis** Road from Cleary Road to the project's ease property line.
  4. This development shall not be permitted direct access onto Southern Boulevard unless a limited access easement is recorded for this property and the property located to the east--providing **for only** one access point for both properties with a minimum of 660' east of Cleary Road. In addition, if such access is provided, the developer shall construct a left turn lane, west approach, and a right turn lane, east approach.
  5. If access was not available from Southern Boulevard pursuant to Condition #4 above, and, if paved access from Cleary Road south to Southern Boulevard is not available prior to the issuance of a Paving and Drainage Permit, this petitioner shall construct Cleary Road from **Wallis** Road south to Southern Boulevard concurrent with **onsite** paving and drainage improvements pursuant to that permit.
  6. The developer shall contribute Three Thousand Six Hundred Twenty-Five Dollars (\$3,625.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the issuance of the building permit.
  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 **propertites**.
  8. The developer shall take **necessary** measures during the development of **this** property to prevent pollutant runoff to neighboring and nearby surface waters.
  9. Prior to site plan certification, the developer shall either obtain variance relief to permit unpaved storage areas for automobiles or shall amend the site plan to reflect required pavement.
  10. Prior to certification, the site plan shall be amended to reflect the following:
    - a.) provision of paved access and paved parking for employees and customers adjacent **to the** auction building.
    - b.) provision of a six foot high **solid wooden** fence around the perimeter of all storage areas,

Commissioner Bailey 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:

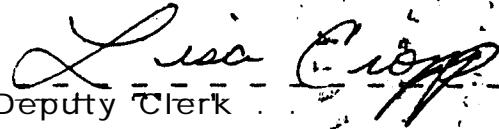
Peggy B. Evatt, Chairman	Absent
Ken Spillias, Vice Chairman	AYE
Dennis P. Koehler, Member	AYE
Dorothy Wilken, Member	AYE
Bill Bailey, Member	AYE

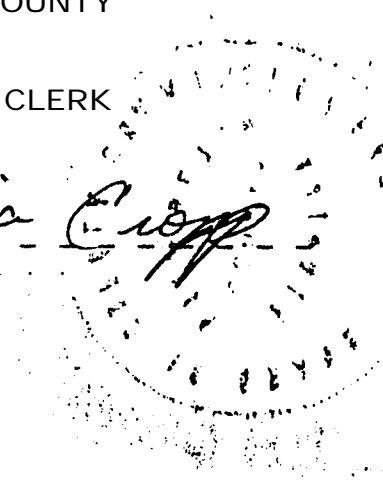
The foregoing Resolution was declared duly passed and adopted this **17th** day of **April**, 1984, confirming action of

22nd December 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:  \_\_\_\_\_  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

 \_\_\_\_\_  
County Attorney