

RESOLUTION NO. R-84-1188

RESOLUTION APPROVING ZONING PETITION 84-51, 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. 84-51 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th of May 1984; 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 Comprehensive Plan and Zoning Code requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of May 1984, the petition of GULF STREAM MOTORS, INC., By Richard E. Bastin, Agent, for THE SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, SALE AND RENTAL AND REPAIR FACILITY AND LOT on the South 26 feet of the North 76 feet, of the West 196.16 feet, of the East 304.88 feet of the Northwest 1/4 of Section 26, Township 43 South, Range 42 East, being more particularly described as follows:

The Point of Beginning being the Northwest corner of Lot 3, Breezy Acres as recorded in Plat Book 24, Page 48, thence Northerly along the Northerly prolongation of the West line of said Lot 3, a distance of 26 feet, more or less, to the South right-of-way line of Okeechobee Road, as defined in Deed Book 47, Page 454, thence Easterly along said right-of-way as defined in Deed Book 47, Page

454, a distance of 196.16 feet, more or less, intersecting the East line of the West 58.72 feet of the East 167.44 feet of the Northwest 1/4 of said Section 26; thence Southerly along the East line of said 58.72 feet of the East 167.44 feet of the Northwest 1/4 of said Section 26, a distance of 26 feet, intersecting the Easterly prolongation of the Northerly boundary of Lots 3 and 4 as recorded in Plat Book 24, Page 48, thence Westerly along said Easterly prolongation of the Northerly boundary of said Lots 3 and 4, a distance of 196.16 feet, more or less, to the Point of Beginning, and also:

Lots 3, 4, 5, and 6, Breezy Acres, recorded in Plat Book 24, Page 48, the West 58.72 feet of the East 167.44 feet of the South 265.32 feet of the North 341.32 feet; and the West 58.72 feet of the East 108.72 feet of the South 75 feet of the North 341.32 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 26, Lot 7, according to the plat of Breezy Acres, as recorded in Plat Book 24, Page 48, together with the South 150 feet of the North 491.32 feet of the West 117.44 feet of the East 167.44 feet of the East 1/8 of the Northeast 1/4 of the Northwest 1/4 of Section 26. Said property located on the southeast corner of the intersection of Okeechobee Road and Breezy Lane, was approved as advertised subject to the following conditions:

1. The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The Property Owner shall convey for the ultimate right-of-way of Okeechobee Boulevard, 70 feet south of the section line, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.
3. The Development shall be permitted only one turnout onto Okeechobee Boulevard located at the project's east property line.
4. 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:
 - a) Right turn lane, west approach on Okeechobee Boulevard at the project's entrance road.
 - b) Left turn lane, south approach on Breezy Lane at Okeechobee Boulevard.
5. The developer shall contribute Twenty One Thousand Nine Hundred and Thirty Eight Dollars (\$21,938.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the

time of issuance of the Building Permit.

6. Within 90 days of this approval, the property owner shall convey to the Lake Worth Drainage District by quit claim deed, the right of way for the E-3 canal adjoining this property.
7. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties.
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
9. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber-reinforced plastic, steel clad with glass fiber-reinforced plastic, double-walled steel *or* plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation.
10. Prior to site plan certification, the proposed site plan shall be amended to reflect the following:
 - a. Elimination of the proposed southerly access to Breezy Lane.
 - b. Redesign of the proposed service bay canopies to provide complete enclosure of the west side of the westerly structure and the south side of all **structures** to minimize the impact of this area on the residences to the south and west.
 - c. A six foot high masonry wall supplemented by canopy trees planted at 20 feet on center along all property lines adjoining residential zoning, and along Breezy Lane from the approved driveway south to the south property line.
11. No building permit shall be issued until the sewer service connection is available.

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:

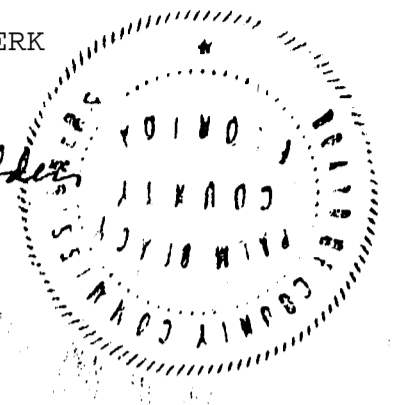
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **AUG 21 1984**, confirming action of the 24th of **May** 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Judy Madder
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Charles H. Church
County Attorney