

RESOLUTION NO. R-85-13

RESOLUTION APPROVING ZONING PETITION 77-90(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. 77-90(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd of August 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. With minor revisions to the site plan, the proposal will be consistent with the requirements of the Zoning Code ■
2. The proposal is consistent with the requirements of the Comprehensive Plan ■

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1984, that Petition No. 77-90(A) the petition of JACK ACKERMAN AND DAVID BUMGARDNER, By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE SITE PLAN FOR A COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITY AND LOT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-90 on Lots 9, 10, 11 and 12, East 10 feet of Lot 13, less the North 8 feet of each of the aforesaid lots; Lots 14 and 15 and the West 80 feet of Lot 16, less the North 8 feet of each of the aforesaid lots; the West 80 feet of Lots 17 to 23 inclusive, Lots 24, 25, and the East 10 feet

of Lot 26, Lots 27 and 28 and a 15 foot abandoned alley lying East of and adjacent to Lots 15 and 24 all in Ferris Park Section 36, Township 43 South, Range 42 East, recorded in Plat Book 13, Pages 9, together with Lots 27 and 28, Ferris Park, as recorded in Plat Book 13, Page 9. Said property located on the southwest corner of the intersection of Wallis Road and Military Trail (S.R.809), being bounded on the south by Jules Street in CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee, the site plan shall be modified to reflect the inclusion of a 6' wall along all property lines of the site abutting residentially zoned property, supplemented by canopy trees 8-10 feet in overall height, planted twenty feet on center.
2. 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.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. 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.
5. Developer shall only be permitted two turnouts onto Wallis Road and 2 turnouts onto Jules Street from the subject property.
6. Developer shall either abandon the existing fifteen foot alley prior to certification by Site Plan Review Committee, or if this alley is not to be abandoned, submit a revised site plan which conforms to all applicable property development regulations.
7. The owner of the facility will participate in an oil recycling program which insures proper disposal of waste oil.
8. Any toxic or hazardous waste generated at this site shall be properly handled and disposed in accordance with Chapter 17-30 F.A.C.

Commissioner Wilkens, 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:

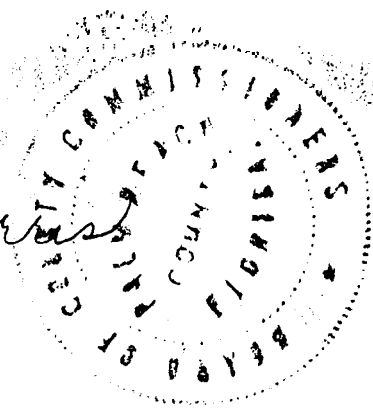
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	ABSENT
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 23rd of August 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Marlene Harvath*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Sprague*  
County Attorney