

RESOLUTION NO. R-85-31

RESOLUTION APPROVING ZONING PETITION 84-90 (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. 84-90(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th 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. The proposal is consistent with the requirements of the Comprehensive Plan.
2. The proposal can be brought into consistency with Zoning Code requirements by minor revision to the site plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of August 1984, that Petition No. 84-90 (A) the petition of MARTIN P. HEISE By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOTIVE REPAIR FACILITIES on the West 350.00 feet of the following described parcel:

Tract "A", according to the Plat of Anna-Jones Estates, in Section 13, Township 44 South, Range 42 East, as recorded in Plat Book 23, Page 219, Less and Except the following described parcel:

The West 3.0 feet thereof for right-of-way for Military Trail, as shown in Road Plat Book 3, Page 72, Less a 0.50 Acre Life Estate over the following described parcel of land:

From the Southwest corner of said Tract "A"; thence South 90 degrees 00'00" East along the South line of said Tract "A" (the South line of said Tract "A" is assumed to bear South 90 degrees 00'00" East and all other bearings are relative thereto) a distance of 156.84 feet to the Point of Beginning of the hereinafter described parcel; thence North 0 degrees 00'00" East a distance of 110.00 feet to a point; thence North 80 degrees 59'43" East a distance of 49.66 feet to a point thence South 84 degrees 01' 29" East a distance of 147.93 feet to a point; thence South 0 degrees 00' 30" West a distance of 102.38 feet to a point on said South line of Tract "A"; thence North 90 degrees 00'00" West, along said South line a distance of 196.16 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Military Trail (S.R.809) and Cypress Lane. was approved as advertised subject to the following conditions:

1. Any toxic or hazardous waste generated at this site shall be properly handled and disposed in accordance with Chapter 17-30 F.A.C.
2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.
3. Provisions must be made to provide unobstructed safe and legal access to the life estate parcel. Adequate landscape or wall screening between the life estate and major parcel should also be provided, at the discretion of the life estate dweller.
4. 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.
5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
6. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, for tank construction include cathodically protected steel, glass fiber reinforced plastic, steel clad with glass fibex-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.
7. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) **year one** hour storm per requirements of the Permit Section, Land Development Division.
8. The property owner shall convey for the ultimate right of way of Military Trail, 60 feet from centerline within 90 days of adoption of the Resolution of the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. This right of way is required for the relocation of utility poles along Military Trail.

9. The developer shall contribute Eight Thousand Four Hundred Twenty Five Dollars (\$8,425.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit.

10. Developer shall, prior to the conveyance of the out-parcel, provide an access easement to the out parcel, per the County Engineer's approval.

11. Developer shall be limited to a maximum of 3,844 square feet of general retail space.

12. The owner of the facility will participate in an oil recycling program which insures proper disposal of waste oil.

13. The developer shall not place any building or structures on the east 100 feet of the property, unless this requirement is modified by the Board of County Commissioners. In addition, no storage of equipment or parking shall be permitted in this area. It is intended that this area be used for drainage only.

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:

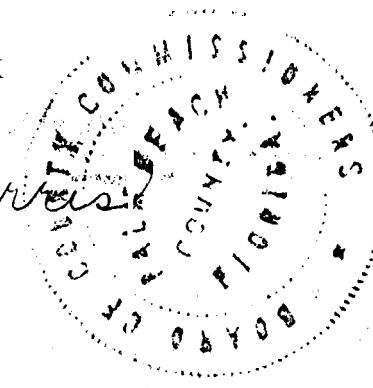
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member		AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 24th of August 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Marlene Harris  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Amaze  
County Attorney