

RESOLUTION NO. R- 85-39

RESOLUTION APPROVING ZONING PETITION 84-124, 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. 84-124 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 and Zoning Code.

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. 84-124 the petition of MAURICE J. LECKER for the SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED, BOAT AND MARINE ENGINE, PARTS AND ACCESSORIES, SALES AND SERVICE FACILITY on Lot 24, 25 and 26, South Trail Park, in Section 1, Township 44 South, Range 42 East, as recorded in Plat Book 10, Page 65. Less the North 5 feet of Lot 24 and the East 23 feet of Lots 24, 25 and 26. Said property located on the southwest corner of the intersection of Military Trail (S.R.809) and Sunset Lane in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. 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.

2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

3. 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.

4. The development shall retain on-site 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.

5. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline, approximately an additional seven (7) feet within 90 days of adoption of the Resolution by 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 poles along Military Trail.

6. The developer shall be permitted access onto Sunset Lane only.

7. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$500.00.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this amount shall be credited toward the increased Fair Share Fee.

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

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:

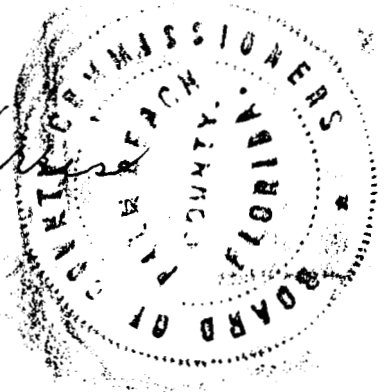
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

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: Charlene Harris
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney