

RESOLUTION NO. R-85-253

RESOLUTION APPROVING ZONING PETITION 84-116, 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. 84-116 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 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, with modifications to the site plan will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-116 the petition of KENNETH ORESKY By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE SALE AND RENTAL AND REPAIR FACILITY AND LOT on the West 151.4 feet of the South 70 feet of the North 190 feet of Lot 68 Henry's Military Trail Addition in Section 36, Township 43 South, Range 42 East, as recorded in Plat Book 21, Page 39. Said property located on the northeast corner of the intersection of Military Trail (S.R.809) and Manchester Lane in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification, a revised site plan shall be submitted reflecting the following;
 - a. Twenty (20) foot access width for two-way traffic flow between 'double-load' parking areas.
 - b. Twenty (20) foot setback between the edge of the right-of-way and the first parking stall.
2. The developer shall preserve existing significant vegetation and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
3. 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.
4. 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 by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit ■.
5. The Developer shall not be permitted access onto Military Trail.
6. 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, Manchester Lane (2-10 foot lanes) from Military Trail east to the project's east property line, plus the appropriate tapers per the County Engineer's approval.
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 \$625.00.
8. 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.
9. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
10. Any fuel or chemical storage tanks shall be installed, protected against leakage or spillage due to corrosion, breakage, structural failure, or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
11. The owner of the facility will participate in an oil recycling program which insures proper reuse ~~or~~ disposal of waste oil.
12. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
13. The primary use shall be limited to auto sales. Repair activity shall be limited to minor repairs.

Commissioner Wilken , 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 day of FEB 19 1985 confirming action of the 27th of
September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Wain
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney