

RESOLUTION APPROVING ZONING PETITION 84-128, 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. 84-128 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.

NOW, THEREFORE, BE IT RESOLVED BY THE ⁸⁵ ~~BOARD OF COUNTY~~ ³⁹⁴ COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 84-128 the petition of PEDRO F. AND JOAN F. GOMEZ, for a SPECIAL EXCEPTION TO ALLOW A TIRE STORE AND AUTOMOTIVE REPAIR FACILITIES on Lots 1, 2, 3 and 4, Block 1, Rockland Park in Section 14, Township 46 South, Range 42 East, as recorded in Plat Book 24, Page 23. Said property located on the northwest corner of Military Trail (S.R.809) and Conklin Drive was approved as advertised subject to the following conditions:

1. 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.
2. Prior to Site Plan Certification the petitioner shall accomplish
 - a. Easement agreements for the landscape buffer along the

b. ~~A revised plan showing the relocation of the existing hedge from within the ultimate right-of-way to the 5' strip adjacent to the parking stalls and the relocation of signage outside the 25 foot safe corner.~~

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 construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, a Left Turn Lane, South approach, on Military Trail at Conklin Drive, if access onto Conklin Drive is established.

6. 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 \$4,688.00.

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

Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$4,688.00 toward Palm Beach County's existing Roadway Improvement Program, to be paid within four months of approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur.

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 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.

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

11. 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.

12. Automotive repair activities shall be limited to work related to tire and wheel installation only, including wheel balancing and brake repair.

13. The petitioner shall submit an exact copy of the site plan presented at the final zoning hearing to the zoning division, to replace the original file plan.

14. Hours of operation shall be limited to the hours between 8:00 A.M. to 5:30 P.M.

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b. A revised plan showing the relocation of the existing hedge from within the ultimate right-of-way to the 5' strip adjacent to the parking stalls and the relocation of signage outside the 25 foot safe corner.

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15. Property owner shall be permitted only one entrance/exit onto Conklin Drive at a distance of 100' west of the centerline of Military Trail. If joint access to the property by way of the property to the north can be accomplished by the petitioner, no access to Conklin Drive shall be developed.

16. Conklin Drive shall not be utilized for vehicle testing.

17. If access to the site is achieved by way of Conklin Drive, the petitioner shall install a traffic signal at the intersection of Conklin Drive and Military Trail, when warranted by the County Engineer. Credit shall be given toward the impact fee as described in Condition No. 6 for the signalization.

Commissioner Koehler, 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	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this day of **MAR 5 1985**, confirming action of the 27th of September 1984.

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PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Donna McWilliam*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Paul J. ...
County Attorney

FILED THIS ... DAY OF
MAR 05 1985, 19 ...
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. **390** AT
PAGE **332-334**, RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *D. MS* D.C.