

RESOLUTION NO. R-85-646

RESOLUTION APPROVING ZONING PETITION 80-88(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. 80-88(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 1985; 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 revision to the site plan, this proposal will be 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 January 1985, that Petition No. 80-88(A) the petition of FRANCES X. SCOTT for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE REPAIR FACILITY beginning at the Northwest corner of Tract 68, Henry's Military Trail Addition, recorded in Plat Book 21, Page 39; thence Southerly 120 feet on the West line of said Tract 68 to a point; thence Easterly 151.4 feet on a line parallel to the North line of said Tract 68 to a point; thence Northerly 120 feet on a line parallel to the West line of said Tract 68 to the North line of said Tract 68; thence Westerly along the North line 151.4 feet to the point of beginning, (As in Deed Book 1008, Page 690, Grooms to Miller) Less the West 3 feet of the West 151.4 feet of the North 120 feet of Tract 68 of Henry's Military Trail Addition, lying in Section

36, Township 43 South, Range 42 East, according to the plat thereof recorded in Plat Book 21 at Page 39, containing 360 square feet more or less, (As in Official Record Book 540, Page 707 Miller to State of Florida and Less the North 15 feet of Parcel 1) as in Official Record Book 1916, Page 755 (Miller to Palm Beach County) together with:

Parcel II

Beginning at a stake marking the Northeast corner of the Jean A. Price land, which stake is on the North line of and 151.4 feet East of the Northwest corner of Lot 68 of Henry's Military Trail Addition as recorded in Plat Book 21 at Page 39; thence South parallel to the West line of said Lot 68, on the East line of Jean A. Price 190 feet to an iron pipe on the North line of Manchester Lane; thence East parallel to the North line of said Lot 68 and on the North line of Manchester Lane and its projection 90 feet to an iron pipe; thence North parallel to the first described course 190 feet to an iron pipe in the North line of said Lot 68; thence West on said North line 90 feet to the point of beginning. (As in Deed Book 880 Page 209, Henry to Miller June 11, 1949).

Less the North 15 feet (of Parcel 11) as in Official Record Book 1916, Page 755 (Miller to Palm Beach County). Said property located on the southeast corner of the intersection of Military Trail (S.R. 809) and Tulane Drive, being bounded on the south by Manchester Lane in an 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 amended to reflect the five (5) foot required landscape strips adjacent to Tulane Road and Military Trail.
2. Any fuel or chemical storage tanks shall be installed with protection 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.
3. 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.
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. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

7. Hours of operation shall be limited to 7:30 a.m. to 6:00 p.m.

8. The applicant shall construct a lift station and a 300 ft. force main to provide sewage disposal for this property.

9. 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.

10. 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 \$1,188.00.

11. The developer shall construct concurrent with on-site paving and drainage improvements, pursuant to a Paving and Drainage Permit issued from the office of the County Engineer, Manchester Lane (two (2) ten (10) foot lanes) from the project's entrance to Military Trail.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilken, Vice Chairman	--	ABSENT
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of April, 1985 confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliams
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Spagnoli
County Attorney