

RESOLUTION NO. R-85-713

RESOLUTION APPROVING ZONING PETITION 85-10, 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. 85-10 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 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 site plan amendment, 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 28th of February 1985, that Petition No. 85-10 the petition of M AND D PROPERTIES By Darcy D. Davidson, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL RECREATIONAL VEHICLE RENTAL FACILITY AND LOT on that portion of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4; and that portion of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4, less the South 10.0 feet thereof, of Section 17, Township 42 South, Range 43 East, lying between the Florida East Coast Railroad right-of-way on the East and a County Road, 40 feet wide (Old Dixie Highway) on the West, and being more particularly described as follows:

Beginning at a point where the Westerly right-of-way line of the Florida East Coast Railroad intersects the West line of Section 17,

Township 42 South, Range 43 East; said point being 382.05 feet North of the West 1/4 corner of said Section 17; run thence along the following numbered courses:

1. Along the West line of Section 17, South 1 degree 34' 38" West 45.62 feet; thence
2. South 39 degrees 32' 25" East 216.07 feet; thence
3. South 31 degrees 52' 20" East 478.43 feet; thence
4. South 14 degrees 56' 36" East 443.52 feet to the North line of a public right-of-way 20.0 feet wide, known as Richards Road; thence
5. Along said North right-of-way line South 88 degrees 17' 20" East 85.92 feet to the West Right-of-way line of the Florida East Coast Railroad; thence
6. Along said West Right-of-way line North 20 degrees 54' 37" West 368.10 feet to the beginning of a curve to the left, having a radius of 1859.96 feet; thence
7. Along the arc of said curve 604.77 feet, through a central angle of 18 degrees 37' 48" to the Point of Tangent; thence
8. Along the tangent North 39 degrees 32' 25" West 250.45 feet to the Point of Beginning.

Said property located on the northeast corner of the intersection of Richards Road and Old Dixie Highway, being bounded on the east by F.E.C. Railroad in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the Site Plan shall be revised to reflect the following:
  - a) Placement of an 8 foot high chain link fence along the entire west property line, adjacent to the recreational vehicle parking area.
  - b) Placement of a 6 foot high chain link fence on the exterior of the 5 foot wide landscape strip along Old Dixie Highway, adjacent to the recreational vehicle parking area, supplemented with a two foot high hedge planted two feet on center and 8 - 10 foot high canopy trees planted 20 feet on center at the time of planting.
2. 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.
3. The property owner shall convey for the ultimate right of way of:
  - (A) Richard Road, 33 feet from centerline approximately an additional 23 feet;
  - (B) Old Dixie Highway, 30 feet from centerline approximately an additional 10 feet from Richard Road to a point 200 feet north plus the appropriate tapers.

all 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.

4. 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, Old Dixie Highway from its present paved terminus north of Richard Road north to the project's north property line. This construction shall also include drainage.

5. The developer shall enter into a removal agreement with Palm Beach County for any existing structures or land development activity (i.e. fences, landscaping or paving), which is, or will be located, within the ultimate right of way.

6. 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.

7. 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.

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

11. Lighting shall be designed to illuminate the subject property only. Light fixtures shall be limited to a maximum height of six feet.

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

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

The foregoing resolution was declared duly passed and adopted this **MAY 07 1985** confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Judy Amey  
County Attorney