

RESOLUTION NO. R-85-948

RESOLUTION APPROVING ZONING PETITION 83-104(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. 83-104(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 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 amendments 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 25th of April 1985, that Petition No. 83-104(A) the petition of FLORIDA REINVESTMENT CORPORATION By Kevin McGinley, Agent for a SPECIAL EXCEPTION TO ALLOW A TIRE STORE INCLUDING ACCESSORY AUTOMOTIVE REPAIR on Tract B, Westchester Townhouses, in Section 24, Township 43 South, Range 42 East, as recorded in Plat Book 42, Pages 187-188. Said property located on the Northeast corner of the intersection of Military Trail (S.R. 809) and Woodstock Drive, approximately .7 mile north of Okeechobee Road (S.R. 704) was approved as advertised subject to the following conditions:

1. Prior to Site Plan certification the Site Plan shall be amended to reflect a five (5) foot landscape strip between the off-street parking and the right-of-way of Military Trail.
2. The 5' landscape strip supporting the 6' high masonry wall shall be supplemented with canopy trees, 8-10 in overall height, planted 25

feet on center along the entire east property line. Landscape materials shall be maintained in good condition at all times.

3. 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.

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

5. 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.

6. 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.

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

8. 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.

9. The developer shall construct a right turn lane south approach on Military Trail at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

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 \$3,400.

11. The Developer shall be permitted only one access onto Military Trail.

12. The Developer shall preserve existing vegetation wherever possible and shall incorporate said vegetation into overall design.

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney