

RESOLUTION NO. R-85-1876U

RESOLUTION APPROVING ZONING PETITION 85-101, 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. 85-101 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 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. This proposal is 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 22nd of August 1985, that Petition No. 85-101 the petition of CLEM AND LOIS GUIDER By David Carpenter, Agent for a SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE RENTAL FACILITY AND LOT on the North 1/2 of Lot 5, Meerdink's Little Ranches, in Section 30, Township **43** South, Range 43 East, as recorded in Plat Book 4, Page 50, less the East 15 feet thereof conveyed to the County of Palm Beach in Official Record Book 1656, Page 489. Said property located on the west side of Congress Avenue (S.R. 807) approximately .1 mile south of Okeechobee Boulevard (S.R. 704) 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) The required twenty (20) foot minimum backup distance from the west ultimate right-of-way line of Congress Avenue to the first parking stall. (Requires removal of two (2) parking spaces).

b) Relocation of proposed hedge and trees from within the two (2) foot parking stall overhang area.

c) A 6 foot solid masonry wall along all property lines abutting residential areas, or obtain variance relief from the Board of Adjustnent.

2. No structures, other than required buffer walls, shall be constructed upon the lot, except that a small lot attendant's kiosk may be erected, subject to all required setbacks, and applicable property development regulations for the (CG) zoning district.

3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the parking lot.

4. Security lighting shall be directed away from nearby residences.

5. 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.

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

7. 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.

8. 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.

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

10. 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.

11. The property owner shall convey for the ultimate right-of-way of Congress Avenue, 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.

12. The petitioner shall convey to the Lake Worth Drainage District the west 10.00 feet of the subject property for required right-of-way for Equalizing Canal No. 3 1/2 - 8, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the Resolution by the Board of County Commissioners.

13. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

14. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Congress Avenue.

15. Revise Site Plan to match Survey prior to approval by the Board of County Commissioners.

16. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

17. There shall be no mechanical maintenance of vehicles on this site.

18. The developer shall preserve the existing royal poinciana and the root zone area of said tree.

19. Parking shall be permitted only in designated parking spaces. There shall be no parking of vehicles in the swales or circulation areas of this site.

Commissioner **Spillias** , moved for approval of the petition. The motion was seconded by Commissioner **Marcus** , 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	--	ABSEXT
Dorothy Wilken, Member	--	AYE


The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

