

RESOLUTION NO. R-86-240

RESOLUTION APPROVING ZONING PETITION 85-154, 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. 85-154 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 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 site plan modifications, 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 4th of December 1985, that Petition No. 85-154 the petition of FRANK VERK, JR., By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE, SALE AND RENTAL AND REPAIR FACILITIES AND LOTS on Lots 27 through 30, Block 12 according to the Plat of Westgate Estates in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38. Said property located on the southwest corner of the intersection of Suwanee Drive and Shawnee Avenue in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a) Reduce building square footage so that the 15 foot side interior

setback can be accommodated, or variance relief will be sought from the Board of Adjustment.

b) A six (6) foot high concrete block wall shall be shown along the southern property line, or variance relief shall be obtained from the Board of Adjustment.

c) The building size shall be decreased in order that the site can accommodate the required parking stalls without encroaching the backup distance, or variance relief shall be sought from the board of Adjustment.

d) A twenty-five (25) foot access dimension at the southernmost access point.

e) The landscaping shall be increased by two (2) trees to conform with the landscape code.

f) Clear safe corners along Shawnee Avenue and Suwanee Drive .

2. The hours of operation shall be limited from 7:00 A.M. to 8:00 P.M..

3. All facade(s) of the automobile service facility shall be given architectural treatment consistent with the front of the facility to avoid an incompatible industrial appearance impact upon nearby residential development.

4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the automobile service facility.

6. No parking of any vehicles shall be permitted along the rear of the automobile service facility except in designated spaces or unloading areas.

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

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. 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 .

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. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

13. The property owner shall construct Suwanee Drive from Okeechobee Road south to the south property line. This construction shall be to local street standards and a minimum of 2-10 foot travel lanes concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

14. The property owner 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. The Fair Share Fee for this project presently is \$1,393.00 (52 trips x \$26.79 per trip) .

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

16. Use of the site shall be limited to motor vehicle repairs. All repairs shall be conducted within enclosed buildings. Bay doors shall be oriented away from residentially zoned properties.

17. The 6' wall, if required, shall be supplemented with 10-12 canopy trees planted 30 feet on center .

18. The property owner shall participate in an oil recycling program which insures proper reuse or disposal of waste oil.

Commissioner Spillias , 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	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 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

Andy Green
County Attorney