

KESOLUTION NO. R- 86-573-2

RESOLUTION APPROVING ZONING PETITION 79-42 (A), Special Exception

WHEREAS, the Board of County Commissioners, as the zoning authority, 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. 79-42(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th January 1986; 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 30th of January 1986, that Petition No. 79-42 (A) the petition of B.H. VAUGHN for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION, INCLUDING A USED AUTOMOBILE SALES AND AUTOMOBILE SERVICE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-42 TO INCLUDE A CAR WASH on a portion of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 44 South, Range 42 East, described as follows:

Commencing at a point in the East line of Military Trail being in the Northwest corner of Lot 1, Block 3, of Delaware Manor, as shown upon the same recorded plat, Plat Book 21, Page 59, from the point of beginning run Easterly along the North line of Block 3, of Delaware Manor a distance of 663.04 feet to a point in the North line of Lot

11, Block 3, Delaware Manor, said point being 20 feet East of the Northwest corner of said Lot 11; thence run Northerly at right angles to the North line of Delaware Manor a distance of 136.01 feet, more or less, to the North line of the Southwest 1/4 of the Southeast 1/4 of Section 13, thence Westerly along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 13, a distance of 663.04 feet, more or less, to the East right-of-way line of Military Trail; thence Southerly along the East line of Military Trail a distance of 135.75 feet, more or less, to the Point of Beginning, less the East 13 feet of the West 53 feet of the South 110.75 feet of the North 135.75 feet of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 13, Township 44 South, Range 42 East; containing 0.033 acres, more or less; according to that certain State Road Right-of-way Deed recorded in Official Record Book 1077, Page 446. Said property located on the southeast corner of the intersection of Park Lane and Military Trail (S.R. 809) 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) Conformance to all landscape requirements of the Landscape Code.
b) 8-10 foot high canopy trees 30 feet on center along all property lines abutting residential zoned property.

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

3. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted behind the structure.

4. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces and unloading areas.

5. The required six (6) foot high wall shall receive identical architectural treatment on both sides.

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

7. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. 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. 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.

10. Reasonable measures shall be employed during site development to

insure that no pollutants from this property shall enter adjacent or nearby surface waters.

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

12. The petitioner shall continue to comply with all previously imposed conditions of Petition No. 79-42, unless amended or superseded herein.

13. 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 \$4,152.00 (155 trips X \$26.79 per trip).

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

15. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

Commissioner Wilken, 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:

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

The foregoing resolution was declared duly passed and adopted this 22nd day of April, 1986 confirming action of the 30th January 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Kelly
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy [Signature]
County Attorney