

RESOLUTION NO. R- 87- 1173

RESOLUTION APPROVING ZONING PETITION 77-147(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. 77-147(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on February 26, 1987 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 77-147(A), the petition of THOMAS KERMIT DELL, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO REOPEN THE SITE PLAN FOR AN AUTOMOTIVE SERVICE STRIP PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-147 ON NOVEMBER 8, 1977 TO INCLUDE COMMERCIAL NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL

VEHICLES SALES RND RENTRL AND REPAIR FRCILITY AND LOTS on the West 150 feet of the South 400 feet of Tract 113, Block 17, of Palm Beach Farms Co. Plat No. 1, in Section'17, Township 46 South, Range 42 East, as recorded in Plat Book 2 at Page 27. The property located on the north side of Atlantic Avenue (Delray West Road), approximately .7 miles west of Florida's Turnpike (Sunshine State Parkway) in a CG-General Commercial Zoning District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) Required landscaping between off-street parking areas and right-of-way.
 - b) Terminal islands on each side of the handicap parking space or relocation of the handicap space.
 - c) A five (5) ear, 100 foot, stacking distance far all gasoline pump stations.
 - d) No parking stalls within the twenty (20) foot backup distance.
 - e) The ultimate accessways, landscaping and parking if/when the right-of-way for Delray West Road is needed.
2. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
3. The property owner shall reserve for the ultimate right-of-way of Delray West Road, 120 feet north of the existing south right-of-way line of Delray West Road.
4. 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 \$536.00 (20 trips X 926.79 per trip).
5. Use of the site shall be limited to an automobile service station and a truck rental facility with a maximum of six (6) trucks on site at any time.
6. There shall be no outside storage of disassembled vehicles or parts thereof.
7. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.

8. There shall be no unloading, storage or display of trucks within the ultimate right-of-way or anywhere outside the property boundaries.
9. No outdoor loudspeaker system shall be permitted on site.

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

Carol A. Roberts	--	Rbsent
Carol J. Elmquist	--	Rye
Karen T. Marcus	--	Rye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Rbsent


The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of April 24, 1987.

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