

RESOLUTION NO. R- 85-1950

RESOLUTION APPROVING ZONING PETITION 82-166(B), 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. 82-166(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th September 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 30th of September 1985, that Petition No. 82-166(B) the petition of HARDIAL S. SABIA, By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A GASOLINE STATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-166 AND 82-166(A), TO ALLOW A COMMERCIAL NEW AND USED MOTORCYCLE, AUTO, TRUCK, BOAT, MOBILE HOME, RECREATION VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS on Lot 4, Hunt Clement Replat, in Section 30, Township 42 South, Range 43 East, as recorded in Plat Book 47, Page 104. Said property located on the northeast corner of the intersection of Blue Heron Boulevard and Central Industrial Drive in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan will be revised to reflect the following:

a) The building configuration changed to conform with the fifty (50) foot setback requirement, or the petitioner shall seek Board of Adjustment relief.

b) The required wheel stops along the north and south property lines.

c) The elimination of the westernmost parking stall abutting the southern building edge. The space shall be replaced with a landscaped island.

d) The required area of interior landscaping.

2. No storage or placement of any materials, refuse, equipment, or accumulated debris shall be permitted in the rear of the building.

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 property owner shall convey for the ultimate right-of-way of Blue Heron Boulevard, 60 feet from centerline (approximately an additional 7 feet) 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.

10. 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 \$16,550.00.

11. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$4,137.00 toward Palm Beach County's existing Roadway Improvement Program, these funds to be paid prior to December 31, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$4,137.00 shall be credited toward the increased Fair Share Fee.

12. 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.

13. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Blue Heron Boulevard.

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

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

The foregoing resolution was declared duly passed and adopted this 3rd day of December 1985 confirming action of the 30th September 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Linda C. Heckman  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Andy Meyer  
County Attorney

FILED THIS ..... DAY OF  
DEC 03 1985  
AND RECORDED IN ..... 19 .....  
MINUTE BOOK NO. .... AT  
PAGE ..... RECORD VERIFIED  
JOHN B. DUNKLE, CLERK  
LH ..... D.C.