

RESOLUTION NO. R-85-1435

RESOLUTION APPROVING ZONING PETITION 84-15(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. 84-15(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 minor modification to the site plan and variance relief, 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 25th of July 1985, that Petition No. 84-15(B) the petition of PALM BEACH AUTO MALL, INC., By Richard Ellington, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN BY DELETING THE LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA INCLUDING A PLANNED COMMERCIAL DEVELOPMENT APPROVED UNDER ZONING PETITION NO. 84-15(A) TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE AND TRUCK SALES, REPAIR AND RENTAL FACILITY AND LOT on the Easterly 430.0 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East, less the Easterly 30.0 feet for Silverthorne Road right-of-way, the Southerly 75.0 feet for Northlake Boulevard (Lake Park West Road) right-of-way; and the Northerly 30.0 feet thereof; together with the

Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East, less the South 75 feet thereof, for Lake Park West Road right-of-way; less the Easterly 430.0 feet thereof; less the Westerly 30.0 feet thereof; less the North 30.0 feet thereof;

Commencing at the Southwest corner of said Section 18; thence bear South 88 degrees 01'06" East along the South line of said Section 18, a distance of 1369.87 feet to the East line of the West 30.0 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence, North 02 degrees 06'48" East along said Section line, a distance of 75.00 feet for a Point of Beginning; thence, North 02 degrees 06'48" East, continuing along said line, a distance of 558.10 feet to the South line of the North 30.00 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18, and the South right-of-way line of a 30.00 foot road right-of-way; thence, South 88 degrees 04'16" East along said line, a distance of 603.49 feet to the West line of the East 30.00 feet of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 18 and the West right-of-way line of Silverthorne Road, a 30.00 foot right-of-way; thence, South 02 degrees 06'01" West, along said line, a distance of 558.65 feet to the North line of the South 75.00 feet of said Section 18 and the North right-of-way line of Northlake Boulevard; thence, North 88 degrees 01'06" West, along said line, a distance of 603.61 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Lake Park West Road (Northlake Boulevard) and Silverthorne Road, being bounded on the west by Sunrise Road 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) A minimum twenty (20) foot back-up distance between the front and rear property line and the first parking stall.
 - b) The double and triple, display and combination display and regular vehicular use parking bays with access and maneuvering aisles. Pursuant to Code Section 500.17.J., or obtain variance relief for double and triple loaded display parking bays.

c) Parking area interior landscaping pursuant to Landscape Code Section 4.G. and site data tabular calculations reflecting the required interior landscaping square footages.

2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

3. The rear facades of the service/office shall be given architectural treatment consistent with the front of the mall 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 auto mall.

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

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

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 Sunrise Boulevard, 30 feet east of the project's west property line 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 construct:

(A) Sunrise Boulevard from Northlake Boulevard to the project's north property line as a three-lane section.

(B) Left turn lane, north approach, on Sunrise Boulevard at Northlake Boulevard,

concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval.

11. If access onto Silverthorne is requested by this property owner prior to its construction, this property owner shall assume the obligation to construct Silverthorne Road from Northlake Boulevard to the project's north property line.

12. The Developer 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 \$17,682.

13. a) Based on previous commitment by this developer, the property owner has agreed to contribute an additional \$157,318 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds of \$175,000 to be paid within four months of the approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur. These funds will be used for the widening of the existing Bridge on Northlake Boulevard, over South-North Lake, from four lanes to six lanes. Palm Beach County will award the contract for all necessary bridge and roadway improvements with this Developer's Funds.

b) The property owner shall provide Palm Beach County with construction plans required for widening the existing bridge on Northlake Boulevard over the South-North Lake from four lanes to six lanes. The construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed prior to December 31, 1985. Should the developer seek a building permit prior to the completion of the plans, performance security acceptable to the County Attorney in the amount of \$175,000 shall be posted. Credit for the plan preparation shall be received toward this \$175,000 road improvement fund and the property owner shall then make available to Palm Beach County the balance of the \$175,000 to award the bridge and road contract as stated in the above condition.

14. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Sunrise Boulevard. This drainage easement shall be subject to all governmental agency requirements.

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

16. 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.

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

18. 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.

19. 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.

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

21. There shall be no test driving of vehicles on North 91st Street. If the Palm Beach County Code Enforcement Board determine that this condition has been violated, the Petitioner shall assume responsibility for paving North 91st Street per the County Engineer's approval.

22. There shall be no bodywork undertaken on the site.

23. There shall be no repair work conducted between six p.m. and seven a.m. on this site.

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

Ken Adams, Chairman	--	10-1
Karen T. Marcus, Vice Chairman	--	10-1
Kenneth Spillias, Member	--	10-1
Jerry L. Owens, Member	--	10-1
Dorothy Wilken, Member	--	10-1

The foregoing resolution was declared duly passed and adopted
this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Jan Ivan Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

James P. ...
County Attorney