

RESOLUTION NO. R- 86-214

RESOLUTION APPROVING ZONING PETITION 80-200(A), Special Exception

WHEREAS, the Board of County Commissioners, as the governing boay, 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 ana 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. 80-200(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd 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 minor site plan moaification, 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 CGUNTY, FLORIDA, assembled in regula? session this the 2nd of December 1985, that Petition No. 80-200(A) the petition of ART MORAN for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-200, BY DELETING THE PLANNED COMMERCIAL DEVELOPMENT AND TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, EOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS AND TO ADD AN ADDITIONAL 2.1 ACRES OF LAND on the West 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, ~~LESS~~ the following described parcel:

The West 10.00 feet of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, LESS and EXCEPT the

North 375 feet thereof. Said property located on the southeast corner of the intersection of Lake Park West Road (S.R. 809A) and Sandtree Drive 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 amended to reflect the following:

a) A six (6) foot high wall between the commercial and residential properties with canopy trees 10-12 feet in overall height planted 30 feet on center. The trees shall be located on the exterior side of the wall.

b) Security lighting shall be directed away from nearby residences.

c) All facade(s) of the showroom and service center shall be given architectural treatment consistent with the front of the center to avoid an incompatible appearance impact upon nearby residential development.

d) No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the auto dealership.

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

f) Prior to Certificate of Occupancy minimum landscaping shall be installed as shown on Exhibit No. 29.

2. 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.

3. The property owner shall convey for the ultimate right of way of Sandtree Drive, 40 feet from centerline including the safe corner at the intersection of Northlake Boulevard and Sandtree Drive 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.

4. The property owner shall construct Sandtree Drive as a 3 lane section (36' wide) from Northlake Boulevard south to the south entrance/exit plus the appropriate tapers concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

5. 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 \$27,861.00 (1,040 trips x \$26.79 per trip).

6. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$6,965.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$34,826.00) to be paid prior to November 1, 1986.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$6,965.00 shall be credited toward the increased Fair Share Fee.

7. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

8. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Sandtree Drive and Northlake Boulevard.
9. Exact copies of all graphics presented at Board of County Commissioners and Planning Commission hearings shall be submitted to the Zoning Division for inclusion in the permanent file.
10. Feasonable 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.
11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
12. 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.
13. 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.
14. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
15. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
16. There shall be no outdoor repair of vehicles.
17. Any storage of damaged vehicles shall be visually screened from adjacent properties.
18. The petitioner shall comply with the prospective amendments to the Landscape Code.
19. Use of the site shall be limited to automobile dealership(s).

Commissioner **Marcus** , 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:

Ken Adams, Chairman	--	AYE
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 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

EY: *Patricia Weaver*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Aandy Sprague*  
County Attorney