

RESOLUTION NO. R-86-862

RESOLUTION APPROVING ZONING PETITION 86-40, 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. 86-40 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 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. With site plan modifications, 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 2nd of May 1986, that Petition No. 86-40 the petition of FRANK VERK By Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE, RENTAL AND REPAIR FACILITY AND LOT on Lots 11 through 1.7, Block 12 according to the Plat of Westgate Estates, in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38. Said property located on the south side of Shawnee Avenue, approximately 200 feet east of Loxahatchee Drive was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant native and non-native vegetation where possible, and shall incorporate said vegetation into the project design. Appropriate measures shall also

be taken during site clearing and construction.

2. Prior to site plan certification, a tree survey shall be submitted along with the site plan indicating areas of preservation of existing vegetation.

3. Prior to site plan certification, the site plan shall be amended to reflect the following:

a) The required distance (4 feet) between the side property line and the access drive.

b) No parking stalls within the twenty (20) foot backup distance.

c) The required loading berth.

d) Handicap spaces that are a minimum of twelve (12) feet in width.

e) A clear corner distance of ten (10) feet at the intersection of all accessways and public rights-of-way.

f) additional landscaping buffering along the south property line, to include one 10-12 foot canopy tree for each thirty (30) lineal feet of the south property line.

4. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

5. Loading areas adjacent to residential areas shall be enclosed with ten (10) foot high wing walls.

6. Hours of operation shall be from 7:00 A.M. to 9:00 P.M.

7. All facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residential development.

8. No outside repair's, storage, or placement of any disabled vehicles, equipment, parts, materials, refuse, or accumulated debris shall be permitted outside the structure.

9. No parking of any vehicles shall be permitted along the rear of the auto repair facility except in designated spaces and unloading areas.

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

11. The required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center.

12. Prior to Site Plan Certification parking stall along Shawnee Avenue shall be removed to accommodate the required twelve foot handicap stall width and an eight foot wide landscape island to accommodate existing vegetation. The additional parking space shall also be deleted to accommodate existing vegetation.

13. 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.

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

15. 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.

16. 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.

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

18. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluent.

19. 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

20. The property owner shall construct Shawnee Avenue from Loxahatchee Drive east to the existing paved terminus west of Suwanee Drive. This construction shall be to local road standards (minimum 2-10 foot travel lanes) and shall be concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. 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 \$2,358.00 (88 trips X \$26.79 per trip) .

21. 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.

22. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Shawnee Avenue.

Commissioner Spillias , 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:

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

The foregoing resolution was declared duly passed and adopted
this 10th day of June, 1986 confirming action of the 2nd May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Arudez Inague
County Attorney