

RESOLUTION NO. R- 87-1185

RESOLUTION IMPROVING ZONING PETITION 87-40: 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. 67-40 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. 87-40, the petition of GENE MOORE RND RIFILPH HORGLRND, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL NEW RND USED, RUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SITES RND RENTRL FIND REPRIR FACILITIES RND LOTS on Parcel 1: A parcel of land in Section 4, Township 46

South, Range 43 East, bounded as follows: On the North by the South line of Delray Beach Estates, according to the plat thereof, recorded in Plat 21, Page 13; on the East by the East line of the West 1/2 of the West 1/2 of the Southeast 1/4 of said Section 4; on the West by the Easterly right-of-way line of State Road No. 5 (U. S. Highway No. 1) being a line parallel to and 50 feet Easterly from the centerline thereof; and on the South by line parallel to and 100 feet Southerly (measured at right angles) from the South line of said Delray Beach Estates; Together with Parcel 2: Lot 43 and Lot 43R Delray Beach Estates, according to the plat thereof recorded in Plat Book 21, Page 13; Together with Parcel 3: Lots 41 and 42, Delray Beach Estates, according to the plat thereof recorded in Plat Book 21, Page 13. The property located on the east side of U.S. Highway No. 1 (SR 5) approximately .1 mile north of Rllen Rvenue 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 required tree planting in the parking area in the southwest corner of the site.
2. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
3. No outdoor public address system shall be installed on site.
4. Signage shall be used at each entry to the customer parking area in front of the showroom in order to distinguish customer parking from display parking.
5. Vehicle parking shall be limited to the spaces designated on the approved Site Plan. No display parking shall be allowed in the landscaped areas.
6. Outdoor lighting used to illuminate the premises shall be low intensity in nature and directed away from adjacent properties and streets, shining only on the subject site.
7. 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. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. 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.

If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the

parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

8. The property owner shall convey for the ultimate right-of-way of U.S. 1, 60 feet from centerline within 90 days of the approval of the Resolution approving this project.
9. The property owner shall construct:
  - a) left turn lane, north approach on U.S. 1 at the project's north entrance at U.S. 1
  - b) left turn lane, east approach on the project's north entrance at U.S. 1.

All construction shall be concurrent with onsite paving and drainage improvements.

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 814,735 (550 trips X \$26.79 per trip).
11. Generation and disposal of hazardous effluents 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 effluents.
12. Building permits shall be issued for the subject property concurrently with the site being permitted to connect to a public sewer system.
13. The application and engineering plans, calculations etc. to construct well and/or septic tank must be submitted to the Health Department concurrent with site plan approval.
14. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public sewer system.
15. Since sewer service is available to the property, no septic tank shall be approved for use on the property.
16. Prior to site plan certification, petitioner shall submit a vegetation inventory of the site indicating the location of protected trees in relationship to proposed development as required by Zoning Code Section 500.36. F. 3. (Generalized Vegetation Inventory Required). Petitioner shall indicate those trees which it intends to preserve in place or relocate, with particular reference to existing oaks, pines, and palms. Where necessary to preserve protected vegetation, petitioner shall eliminate parking stalls in excess of Code requirements and take other appropriate action, including relocation of protected trees to required buffer areas. No site plan shall be certified until a vegetation protection program is approved by the Zoning Division.
17. Petitioner shall install a solid living landscape buffer in the northeast corner of the property where it abuts the municipal limits of the Town of Gulfstream to a height of twelve (12) feet at the time of planting. The buffer shall not consist of Rustralian Pine.

18. Prior to certification, petitioner shall amend the site plan to indicate the buffer required in Condition No. 17.
19. Use of the site shall be limited to a new and used automobile sales, leasing, and repair facility.
20. All mechanical repairs shall be conducted entirely within enclosed buildings.
21. No body shop shall be permitted on site.
22. Petitioner agrees to annex to the City of Delray Beach at the same time as the site becomes contiguous.
23. Petitioner shall repair or reconstruct that portion of the existing concrete wall located on the adjacent site to the east of petitioner's property.
24. Petitioner shall relocate the gate shown on its site plan from the north and south side.

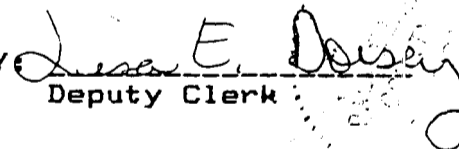
Commissioner Elmquist, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

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


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

PRLM BEACH COUNTY, FLORIDA  
BY ITS BORRD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK.....

BY:   
Deputy Clerk

RPPROVED AS TO FORM  
RND LEGRL SUFFICIENCY

  
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County Attorney