

RESOLUTION NO. R-89-904

RESOLUTION APPROVING ZONING PETITION NO. 88-53
SPECIAL EXCEPTION PETITION OF WILLIE H. DAY AND FRANKIE H. DAY

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. 88-53, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 1988; 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. This proposal is 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. 88-53, the petition of WILLIE H. DAY AND FRANKIE H. DAY, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL SALES AND SERVICE ENTERPRISES OF AN AGRICULTURAL NATURE, on a parcel of land lying on the east 386.2 feet of the west 1158.6 feet of Tract 33, Block "F", Loxahatchee Groves, in Plat Book 12, page 29, located on the south side of Okeechobee Road Extension (S.R. 704), approximately .2 mile west of Folsom Road, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall preserve the existing cypress tree located adjacent to the northern property line and the existing citrus grove as indicated on Exhibit No. 3.
2. The citrus grove shall be clearly dimensioned and labelled.
3. Use of the site shall be limited to:

- a. Retail sales of citrus and vegetable products, animal feed and grain, and related products used in agricultural areas.
 - b. There shall be no retail sales of prepared foods, nor shall food be prepared on the site.
4. Prior to Site Plan Review Committee certification, the site plan shall be amended to indicate landscape strip alternative number three (3) along the western and southern property line.
5. There shall be no outside storage of disassembled vehicles, or product inventory.
6. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
7. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches 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.
8. The property owner shall construct a left turn lane, east approach and a right turn lane west approach on Okeechobee Road at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
9. 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 \$18,994.00 (709 trips X \$26.79 per trip).
10. Prior to Site Plan Certification property owner shall record a Unity of Control on the subject property.
11. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily.
12. No tractor trailers or semi-trucks shall be permitted to deliver goods to this site.

13. No delivery vehicles shall be permitted to be parked on site. No sales of products shall be permitted from parked vehicles.
14. No off-premise signs shall be permitted on the site.
15. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Nay
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of June 23, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

Barbara Atkinson
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

June J. Hardy
DEPUTY CLERK

