

RESOLUTION NO. R- 89-1060

RESOLUTION APPROVING ZONING PETITION NO. 73-98(B)
SPECIAL EXCEPTION PETITION OF ABRAHAM AND GERTRUDE PACKER

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. 73-98(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 73-98(B) the petition of ABRAHAM AND GERTRUDE PACKER, by Dwight R. Weyant, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED AUTOMOBILE SALES LOT AND SERVICE FACILITY, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-98(A) TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying on the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4, in Section 25, Township 43 South, Range 42 East. ~~Less~~ the West 53 feet and the South 20 feet, being located on the east side of Military Trail (SR 809), approximately .1 mile south of Westgate Avenue, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Ultimate right-of-way for the east-west canal located on the southern property line;
 - b. Required minimum number of trees pursuant to Section 500.35;
 - c. Required perimeter landscape strips along all property lines;
 - d. Required 40% of all new plantings which shall be native species;
 - e. Required minimum 25 foot wide access way along the southern property line. This shall be exclusive of the required 5 foot wide Lake Worth Drainage District dedication and the required 5 foot wide landscape strip;
 - f. Required 60 foot from centerline dimension for the ultimate right-of-way along Military Trail;
 - g. Required 15 foot wide landscape strip dimension, exclusive of the required right-of-way dimension for Military Trail;
 - h. Location of all customer parking spaces; and
 - i. Six (6) foot high, continuous masonry wall along the eastern property line with ten (10) to twelve (12) foot high native canopy trees spaced twenty (20) feet on center, supplemented with a solid hedge (24) inches high, spaced (24) inches on center.
3. Prior to certification by Site Plan Review Committee, the petitioner shall amend the site plan and appropriate tabular to indicate the location and number of all 1) customer, 2) display and 3) storage parking spaces. These areas shall be clearly labeled and physically separated from one another by landscape islands.
4. Use of the site shall be limited to the sale, storage and repair of new and used automobiles.
5. Prior to Site Plan Review Committee, the petitioner shall explain in written form the discrepancies in square footages on the proposed site plan for all existing structures on site. The site plan tabular shall match the prior approved site plan for existing

square footage calculations. If the existing total square footage does not match the previously approved site plan, a revised as built survey shall be submitted to clearly identify the correct total square footage on-site.

6. No vehicle shall be parked with its hood or truck open, nor elevated off the ground in any way.
7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posed on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any buildings, vehicle or wall., other than inside a window as may be permitted by the Sign Code.
8. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles and for loading and deliveries shall be located in the central portion of the site as an effort to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially zoned lot, and shall be appropriately designated, marked and signed.
9. The developer shall execute a Unity of Title for the subject site. This Unity shall be recorded and submitted in duplicate to the Zoning Division simultaneously with the Site Plan Review Committee Application.
10. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
11. No vehicles other than customer and employee parking shall be stored or displayed on the site except those which are intended for sale, service or repair.
12. Outside storage of disassembled or disabled vehicles or parts shall be permitted on-site only in designated areas that are screened with a six (6) foot high wooden fence and located a minimum distance of 100 feet from all property lines.
13. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable

bollards or other suitable barrier approved by the Zoning Division.

14. Vehicles shall not be tested off-site on residential streets.
15. The petitioner shall remove all prohibited species from the subject parcel prior to the issuance of a Certificate of Occupancy for any new construction.
16. The 157,500 square foot, 3 story parking garage shall be utilized exclusively for the storage of automobiles and shall not be open to the public.
17. 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.
18. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
19. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
20. 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
21. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

22. 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 \$3,268.00 (122 trips X \$26.79 per trip).
23. The petitioner shall convey to the Lake Worth drainage District the south 25 feet of the southwest 1/4 of the southwest 1/4 of the northeast 1/4 of Section 25-43-42, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
24. No off-premise signs shall be permitted on site.
25. The petitioner shall design the parking garage to provide for landscape planters on all parking levels, facing the exterior north, west and east property lines.
26. Failure to comply with any conditions of approval 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. Violations of the conditions herein shall constitute violations of 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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY


DEPUTY CLERK

