

RESOLUTION NO. R-90- 590

RESOLUTION APPROVING ZONING PETITION NO. 89-112
SPECIAL EXCEPTION PETITION OF NATHAN SIEGEL
BY KIERAN J. KILDAY, AGENT

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 have been satisfied; and

WHEREAS, Petition No. 89-112 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-112, the petition of NATHAN SIEGEL, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO PERMIT A NEW AND USED COMMERCIAL, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLES SALES AND RENTAL AND REPAIR FACILITIES AND LOTS (USED CAR SALES), **Lots** 53 through 60, Block 27, **Westgate** Estates, Plat Book 8, page 38, lying in Section 30, Township 43 South, Range 43 East, being located on the Northwest corner of the intersection of **Westgate** Avenue and Seminole Boulevard, in a CG-General Commercial Zoning District, was approved on October 26, 1989 as advertised, subject to the following conditions:

1. **Prior** to Site Plan Review Committee submittal, the site plan shall be amended to indicate:,,.
 - a. Compliance with all minimum property development regulations and land development requirements;
 - b. There shall be no truck loading on site;

- c. Along the north property line, the location of:
 - (1) Six (6) foot chain link fence topped with barbed wire.
 - (2) A six (6) foot **ficus** hedge or acceptable alternative to be located outside the chainlink fence and maintained in a healthy, vigorous state and clean of debris.
 - d. Along the east, west and south property lines, native canopy trees, a minimum of twelve (12) feet in height, with a hedge maintained at a minimum height of thirty-six (36) inches; and
 - e. A forty (40) foot ultimate right-of-way for **Westgate** Avenue abutting a ten (10) foot perimeter landscape buffer.
 - f. Point of purchase **signage** shall be limited to a fifty (50) square foot sign with a maximum height of twenty-five (25) feet along **Westgate** Avenue, and a thirty (30) square foot sign, with a maximum height of twenty-five (25) feet along Seminole Boulevard.
2. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate the following Westgate/Belvedere Homes CRA conditions:
- a. The petitioner shall construct or fund construction of sidewalks and applicable **CRA** streetscape paving designs within the road right-of-way and landscape strip along **Westgate** Avenue and Seminole Boulevard frontage concurrent with on-site paving and drainage improvements. This sidewalk shall be a width of five (5) feet and construction plans shall be subject to approval by the County Engineer. The County Engineer shall make the sole determination as to whether this petitioner shall pay the funds or be responsible for the construction of this sidewalk. Funds shall be paid prior to submittal for a building permit and given to Palm Beach County Engineering Department for the **Westgate/Belvedere** Homes **CRA** Road Improvement Program, or construction shall be completed prior to the issuance of the first Certificate of Occupancy;
 - b. Outdoor speaker or public address systems shall not be permitted on site;
 - c. The landscape strip along **Westgate** Avenue shall **meet** the requirements of Section **500.35** (Landscape Code) and the CRA District Streetscape Program. The landscape, strip shall be irrigated by an automatic system and be maintained by the property owner;
 - d. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (**12**) feet in height; and

- e. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention **off-site** shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site.
3. Use of the site shall be limited to auto/small truck sales and rental only.
4. There shall be no outside storage of disassembled or inoperative vehicles, or parts thereof, on site.
5. There shall be no outdoor repair of vehicles.
6. off-premise signs shall not be permitted on site.
7. 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.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
11. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter **10D-6** F.A.C.
12. 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.

13. Prior to January 1, **1990** or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for **Westgate** Avenue, 40 feet from **centerline** free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight **Corners**" where appropriate at intersections as determined by the County Engineer.
14. 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 **\$4,125.00** (75 trips X \$55.00 per trip).
15. In addition the Developer shall contribute the amount of \$71.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$71.00 shall be paid prior to the issuance of the first Building Permit.
16. If the "**Fair** Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$71.00 shall be credited toward the increased Fair Share Fee.
17. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
18. Access to the site shall be limited to **Westgate** Avenue.
19. Car storage shall be limited to 44 cars or small trucks.
20. A security system or proof of a security service shall be installed and verified prior to final building Certificate of Occupancy.
21. 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**.

Commissioner Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	-- AYE
Karen T. Marcus	-- ABSENT
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

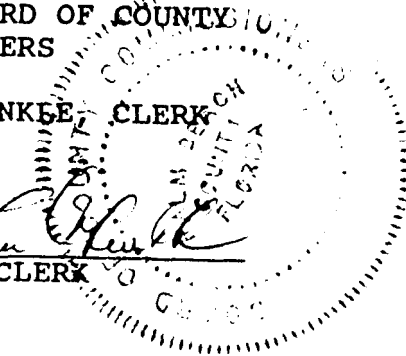
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Andrew Altman*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK

A circular seal for Palm Beach County, Florida. The outer ring contains the text "PALM BEACH COUNTY, FLORIDA". The inner ring contains "COUNTY CLERK". The center of the seal features a palm tree and the date "1909".