

RESOLUTION NO. R-90-846

RESOLUTION APPROVING ZONING PETITION NO. 89-43(A)  
SPECIAL EXCEPTION PETITION OF JOHN STALUPPI  
BY LAWRENCE W. SMITH, 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. 89-43(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 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. 89-43(A), the petition of JOHN STALUPPI, BY LAWRENCE W. SMITH, AGENT, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN EXISTING COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE, SALES AND RENTAL AND REPAIR FACILITIES AND LOTS (NEW CAR SALES) TO INCREASE THE LAND AREA on a parcel of land lying in the East 125.00 feet of the West 750.00 feet of the North 111.04 feet of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, less the South 30.00 feet thereof; And the East 125.00 feet of the West 875.00 feet of the North 111.04 feet of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, a/k/a Lot G-G Gardenettes Unrecorded Subdivision; And the East 125.00 feet of the West 1125.00 feet of the North 81.04 feet; And the West 170.21 feet of the East 210.21 feet of the North 81.4 feet; Lying in the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1; And the East 125.00 feet of the West 1000.00 feet of the North 111.07 feet of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 1, a/k/a Lot H-H of said Gardenettes Subdivision, and being located on the Northwest corner of the intersection of Gardenette Street and South Military Trail (SR 809), approximately .3 mile South of

Gun Club Road in a CG-General Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions unless expressly modified, herein.
2. Prior to Site Plan Review Committee approval, the site plan shall be amended to indicate the following:
  - a. Perimeter landscaping along the southern and western property lines, shall be upgraded to include:
    - 1) Twelve foot canopy trees planted twenty feet (20') on center.
    - 2) A thirty-six (36") hedge.
    - 3) A minimum fifteen foot (15') wide landscape buffer area.
    - 4) One (1) native palm for each twenty (20) lineal feet.
    - 5) Six foot (6') CBS wall constructed on the inside edge of the required landscape buffer .
    - 6) All trees on site shall be permitted to reach and maintained at a minimum height of fifteen feet (15'), and maintained according to the National Arbor Society Standards.
3. The western four hundred fifty feet (450') of the site shall be used for inventory storage only.
4. Site lighting on the western four hundred feet (400)' of the site shall be low intensity, directed away from nearby residences and no greater than twelve feet (12)' in height.
5. Simultaneously with Site Pan Review Committee application, the petitioner shall submit for review two copies of:
  - a. A recorded cross access/parking agreement which specifies that minimum parking, storage of inventory and off-loading of inventory will be allowed on the property to the north; and,
  - b. A recorded Unity of Control which commits both properties to be developed according to the approved site development plan encompassing both properties.
6. No off premise signs shall be permitted on site.
7. No stock loading or dumpster pickup will be permitted between the hours of 9:00 p.m. and 7:00 a.m.
8. 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, other than inside a window as may be permitted by the Sign Code.
9. **No** repair, maintenance or sale of parts, or accessories shall be permitted on site.
  10. Outside storage of disassemble or inoperative vehicles, or parts thereof, shall not be permitted on site.
  11. Customer 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 driveways.
  12. 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. Vehicles shall not be tested off-site on streets in residential neighborhoods.
  13. **No** Point of Purchase signage shall be permitted on the Gardenette Street frontage.
  14. There shall be no access permitted to Gardenette.
  15. 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.
  16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
  17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  18. 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.
  19. **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.
  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, et 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. Prior to July 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 easement for Garderette Road, an additional 7 feet 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.
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.
23. Prior to Site Plan Review Committee approval, the petitioner shall comply with all Compliance Department actions, requirements and pay all fines.
24. 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 Marcus 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	-- AYE
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK