

RESOLUTION NO. R-90- 1288

RESOLUTION APPROVING ZONING PETITION NO. **88-134**
SPECIAL EXCEPTION PETITION OF LARRY W. HODGES, KYLE FOREMAN,
WALTER LUZENKO, AND JAMES ALCIDE KING

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. **88-134** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January **25, 1990**; 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. **88-134**, the petition of **LARRY W. HODGES, KYLE FOREMAN, WALTER LUZENKO, AND JAMES ALCIDE KING**, for a SPECIAL EXCEPTION FOR AN AUTO SERVICE STATION (REPAIR CENTER) on a parcel of land lying in Lots **3** through **8**, inclusive, Block **3**, according to the plat of WESTGATE ESTATES, Northern Section, as recorded in Plat Book **8** at Pages **38**, and being located on the south side of Westgate Avenue, approximately .1 mile west of Wabasso Drive in a CG-General Commercial Zoning District, was approved on January **25, 1990** as advertised, subject to the following conditions:

1. Prior to Site Plan Review approval the site plan shall be amended to indicate:
 - a. Compliance with Zoning Code requirements and Land Development regulations.
 - b. The location of an additional parking space for a total of thirteen spaces, or a corresponding decrease in building square footage.

- c. An upgraded landscape buffer along the southern property line including:
 - 1) A six (6) foot concrete block and stucco wall along the southern property line; and
 - 2) Minimum ten (10) foot high native canopy trees spaced twenty (20) feet on center.
 - d. An upgraded landscape buffer along the north, east and west property lines including minimum ten (10) foot high native canopy trees spaced thirty (30) feet on center, with a minimum thirty (30) inch high hedge maintained at a minimum height of thirty-six (36) inches.
 - e. Point of purchase pole signs shall be limited to one, seventy-five (75) square foot, double sided, pole sign, with a maximum height of fifteen (15) feet.
 - f. A trash dumpster surrounded by a six (6) foot wooded fence located a minimum distance of forty (40) feet from the southern property line.
 - g. **No** bay door openings along the southern facade **of** the building.
 - h. The deletion of a fifteen (15) foot wide, one-way access drive along the southern property line.
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 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 which are audible outside of the property boundaries.

- 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 a **3,400** square feet building for automobile service and repairs.
 4. The parking **of** vehicles shall be limited to designated display areas only. **No** parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.
 5. Vehicles displayed on site shall not be displayed elevated above ground level or with open hoods or trunks excepting the existing second story display space.
 6. **NO** off premise signs shall be permitted on site.
 7. There shall be no outside storage **of** disassembled or inoperative vehicles, or parts thereof, **on** site.
 8. There shall be no outdoor repair of vehicles.
 9. Native vegetation shall be preserved whenever possible by relocation of vegetation to perimeter landscape buffers.
 10. 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,
 11. Sewer service is available to the property. Therefore, no septic tank shall be permitted **on** the site.
 12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

13. 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.
14. **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.
15. The petitioner 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 on site 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.
16. The Developer shall design the drainage **system** such that stormwater 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.
17. 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 present Fair Share for this project based upon the number of approved trips is \$13,200.00 (**240** trips X \$55.00 per trip).
18. 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 Resolution.

The motion was seconded by Commissioner Howard 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 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

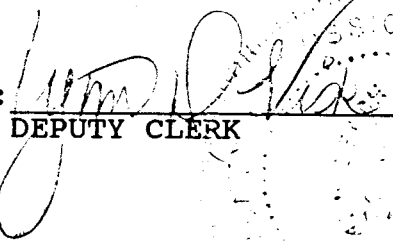
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

