

30/44/43

RESOLUTION NO. **R-91-** 260

RESOLUTION APPROVING ZONING PETITION NO. **90-4**
SPECIAL EXCEPTION PETITION OF
MARY A. SIMPSON
BY GILBERTO A. HERNANDEZ, 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. **90-4** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September **27, 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 **402.3** (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. **90-4** the petition of MARY A. SIMPSON, BY GILBERTO A. HERNANDEZ, AGENT, for a SPECIAL EXCEPTION FOR AN EXISTING AUTOMOBILE SERVICE STATION (NO REPAIRS); COMMERCIAL TRUCK RENTAL FACILITY on a parcel of land lying commencing at the Northeast corner of Tract A, Block **3**, according to the Plat of the Palm Beach Farms Company Plat No. **7**, as recorded in Plat Book **5**, Page **72**: Thence Southerly, along the East line of said Tract A, Block **23**, a distance of **35.00** feet thereof to a point on the South right-of-way line of Lake Worth West Road (SR **802**), and the POINT OF BEGINNING. Thence continue Southerly, along the East side of said Tract A, Block **3**, and the East line of Tract B of said Block **3**, a distance of **150.00** feet to a point. Thence Westerly, parallel with **the North** line of **said** Tract **A**, Block **3**, a distance of **145.00** feet to a point. Thence Northerly parallel with the East line of said Tracts **A** and **B**, Block **3**, a distance of **150.00** feet to a point on the South right-of-way line of Lake Worth Road (SR **802**). Thence Easterly along the said South right-of-way line a distance of **145.00** feet to a POINT OF BEGINNING being located on the south side of lake Worth Road approximately .11 mile west of Congress Avenue in a CC-Community Commercial Zoning District, was approved on September **27, 1990**, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development regulations.
2. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review committee Powers and Standards of Review).

B. ADVERTISING

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers, or any information other than that required by law, shall be posted on such vehicles.
2. No objects, gimmicks or advertising designed to attract the public's attention shall be displayed outdoors or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.
3. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way.

C. ENGINEERING

- E1. 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 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.
- E2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
- E3. 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 at the time of the Building Permit presently is \$3,080.00 (56 trips X \$55.00 per trip).

- E4. The Developer shall contribute the amount of **\$225.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$3,080.00** shall be paid prior to the issuance of the first Building Permit.
- E5. If the ****FairShare Contribution for Road Improvements Ordinance#*** is amended to increase the Fair Share Fee, this additional amount of **\$225.00** shall be credited toward the increased Fair Share Fee.

D. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. Secondary containment for stored regulated Substances (e.g. fuels, oils, solvents, or other hazardous chemicals) is required. The Department of Environmental Resources Management will provide guidance on appropriate protective measures.

E. **HEALTH**

1. Prior to **site** plan certification, the petitioner shall submit an application for a septic tank operating permit to the Health Department.
2. The service, maintenance or repair of vehicles shall not be permitted on site.
3. The washing of vehicles shall not be permitted on site.

F. **IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within five-hundred (**500**) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

G. **LANDSCAPE WITHIN MEDIAN**

1. If permissible by the State Department of Transportation or County Engineering Department, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of: one ten (**10**) foot tall native canopy tree planted an average of thirty (**30**) feet on center, appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner.

H. **RECYCLE SOLID WASTE**

1. The property owner shall participate in a recycling program when available in the area. This program shall include paper, plastic, metal and glass products as programs are available.

I. **SITE DESIGN**

1. Prior to site plan certification, the site plan shall be amended to indicate the following. These improvements shall be installed prior to March **1, 1991**.
- a. A ten foot (**10'**) wide landscape buffer strip with an eight foot (**8'**) tall wooden opaque fence and

twelve foot (12') tall native canopy trees spaced no more than twenty feet (20') on center along the south property line;

- b. A five foot (5') wide landscape buffer strip with ten foot (10') tall native canopy trees spaced no more than thirty feet (30') on center and a thirty-six inch (36") high continuous opaque hedge along the east and west property lines;
 - c. A five foot (5') wide landscape buffer strip with ten foot (10') tall trees spaced no more than thirty feet (30') on center and a thirty-six inch (36") high continuous opaque hedge along the north property line, except between curb cuts. Trees may be planted in clusters not to exceed three trees. The maximum spacing of trees shall not exceed sixty feet (60') ;
 - d. Delete oversized vehicle storage space.
2. Use of the site shall be limited to gasoline sales, truck rental (maximum of six (6) trucks on site), a 750 square foot convenience store/office, and 781 square feet of indoor storage area (1531 total square feet maximum).
 3. The outdoor open storage area shall be used for the storage of rental trailers only, shall not exceed 800 square feet in area and shall be enclosed by a six (6) foot tall solid wood fence on all sides. The open end of the fenced enclosure shall have an obscuring opaque gate. Trees within the required rear landscape strip, adjacent to the open storage area, shall be planted ten (10) feet on center. These improvements shall be completed by March 1, 1991.
 4. No outdoor loudspeaker system shall be permitted on site.
 5. Outdoor lighting used to illuminate the premises and/or advertising shall be low intensity, shielded and directed away from adjacent properties, shining only on the subject site, and shall be extinguished (except security lighting) no later than 11:00 P.M.
 6. Operating hours shall be from 6:00 a.m. to 11:00 p.m.
 7. All garbage receptacles shall be screened from view from the front and side yards by an enclosure made of the same material as the principal structure. The open area of the enclosure shall have an obscuring opaque gate.
 8. Prior to site plan certification, the petitioner shall secure or demonstrate the issuance of building permits for all structures located on site.
 9. Trees shall be maintained at a minimum height of fifteen (15) feet according to Arbor Society Standard.
 10. All plant material shall be fully irrigated and maintained in a healthy viable condition.

J. SIGNAGE

1. All on-site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-33, and shall indicate principal uses only. No snipe signs, banners, balloons, flags or other prohibited types of advertising shall be permitted on site.
2. The site shall be limited to one (1) free standing sign a maximum of one hundred (100) square feet in area and twelve feet (12') in height.
3. No off-premise signs shall be permitted on site.

K. PARKING AND VEHICLE STORAGE

1. Vehicle parking and storage shall be limited to the parking/storage spaces designated on the approved site plan. No vehicle parking or storage is permitted in landscape areas, rights-of-way, interior drives, driveways, or between the base building line and the paved edge of Lake Worth Road.
2. Customer and employee parking shall be marked with an above grade sign and physically separated from the truck storage spaces by a landscape island.
3. Truck storage spaces shall be designated on the site plan and clearly marked on site with an above grade sign.
4. All storage and parking areas shall be paved in accordance with Zoning Code Standards.
5. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.

L. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarthy	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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