

RESOLUTION NO. R-92-1818

RESOLUTION APPROVING ZONING PETITION NO. 79-85(A)
SPECIAL EXCEPTION PETITION OF THOMAS E. COFFEE AND DONALD BESECKER

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. 79-85(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June 29, 1992; 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 the 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, Chapter 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. 79-85(A), the petition of THOMAS E. COFFEE AND DONALD BESECKER, BY ROBERT C. RANGER, AGENT, for a SPECIAL EXCEPTION TO ALLOW AN AUTO SERVICE STATION (TIRE SALES AND AUTO REPAIR ONLY) on a parcel of land lying in Lots 20, 21, 22, 23, 24 and 25, Block 15, SAN CASTLE FOURTH ADDITION, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 26, Page 34, LESS the North 14 feet for road right-of-way for Hypoluxo Road (on all lots), and being located ON THE S. SIDE OF HYPOLUXO RD., APPROX. 500 FT. E. OF SEACREST BLVD., IN THE CG ZONING DISTRICT, was approved on June 29, 1992, as advertised, subject to the following conditions:

A. AUTO SERVICE (WITH REPAIRS)

1. The previously approved special exception for automotive mechanical garage and gasoline pump island facility (Resolution No. 79-602, Petition No. 79-85) is hereby rescinded. (ZONING)

2. No outdoor speaker or public address systems which are audible off-site shall be permitted. (CODE ENFORCEMENT)
3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (CODE ENFORCEMENT)
4. Vehicles shall not be tested off-site on residential streets. (CODE ENFORCEMENT)
5. There shall be no outdoor repair or storage of vehicles. (CODE ENFORCEMENT)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 5212 square feet. (ZONING-BUILDING)
2. The maximum height, from grade to roof line, for all structures shall not exceed twenty five (25) feet. (BUILDING)
3. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
4. All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING-ZONING)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south property line; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ZONING-BUILDING)
2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING-ZONING)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BUILDING-ERM)
2. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING-ERM)

E. ENGINEERING

1. 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. (COUNTY ENGINEER)
2. 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. (COUNTY ENGINEER)
3. 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 \$4,015 (73 additional trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. HEALTH

1. 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. (HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. All required trees in landscape buffer strips shall meet the following minimum standards:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

- 1. Landscaping within the required buffer along the north property line shall be upgraded to include:
 - a. One (1) native canopy tree planted for every twenty (20) feet of frontage.
 - b. Three (3) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (ZONING)
 - c. One (1) native canopy tree planted every twenty (20) feet on center.
 - d. One (1) native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - e. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (ZONING)

J. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. All lighting fixtures shall not exceed twenty (20) feet in height. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SOLID WASTE AUTHORITY)

L. SIGNS

1. Any new or replacement signs fronting on Hypoluxo Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)
2. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (CODE ENFORCEMENT)
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (BUILDING-ZONING)

M. USE LIMITATION

1. Use of the site shall be limited to 5212 square feet of auto repair and tire sales. (ZONING-BUILDING)
2. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. (CODE ENFORCEMENT)
3. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of the facility. (CODE ENFORCEMENT)

N. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:

- a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property; and/or
 - b. The revocation of any 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. (MONITORING)
2. 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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

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:

Mary McCarty, Chair	--	AYE
Ken Foster, Vice Chair	--	ABSENT
Burt Aaronson	--	AYE
Maude Ford Lee	--	AYE
Karen T. Marcus	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Andrew Altier*
COUNTY ATTORNEY

BY: *Robert Am...*
DEPUTY CLERK

