

RESOLUTION NO. R-90-1286

RESOLUTION APPROVING ZONING PETITION NO. 87-41(C)
SPECIAL EXCEPTION PETITION OF ROBERT CUILLO AND JOSEPH FARISH

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. 87-41(C) 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. 87-41(C), the petition of ROBERT CUILLO AND JOSEPH FARISH, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN EXISTING COMMERCIAL, NEW AND USED AUTOMOBILE, AND REPAIR FACILITIES AND LOTS TO INCREASE THE LAND AREA on a parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East; Commencing at the North 1/4 corner said Section 19; Thence North 88 Degrees 27'22" West along the North line of the Northwest 1/4 of said Section 19, a distance of 726.78 feet; Thence South 01 Degrees 31'30" West a distance of 75.00 feet to a point on the South right-of-way line of Lake Park Road West. Said point also being the POINT OF BEGINNING on the herein described parcel of land; Thence South 88 Degrees 27'22" East along the South right-of-way of said Lake Park Road West a distance of 254.59 feet to the point of intersection of the South line of Lake Park Road West and the West line of a 28.00 foot shell road; Thence South 05 Degrees 11'45" West along the West line of said 28.00 foot shell road 158.66 feet to a point; Thence South 16 Degrees 53'50" West along said road 91.28 feet to a point; Thence South 10 Degrees 16'50" West along the West line of said road a distance of 193.98 feet to a point; Thence South 01 Degrees 31'30" West along said

road a distance of 23.14 feet to a point; Thence North 88 Degrees 27'22" West 172.37 feet to a point; Thence South 01 Degrees 31'14" West a distance of 798.84 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 19; Thence North 88 Degrees 11'25" West along said South line of the Northeast 1/4 of the Northwest 1/4 of said Section 19, a distance of 291.59 feet to a point; Thence North 01 Degrees 30'57" East a distance of 958.73 feet to a point; Thence South 88 Degrees 27'22" East a distance of 168.32 feet to a point on the West line of the East 1/2 of the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 19; Thence North 01 Degrees 31'14" East a distance of 200.00 feet to a point; Thence South 88 Degrees 27'22" East a distance of 15.00 feet to a point; Thence North 01 Degrees 31'14" East a distance of 100.00 feet to a point on the South right-of-way line of Lake Park Road West; Thence South 88 Degrees 27'22" East along said south right-of-way line of Lake Park Road West a distance of 90.00 feet to the POINT AND PLACE OF BEGINNING; TOGETHER WITH a parcel in the Northeast 1/4 of the Northwest 1/4 of said Section 19: Commencing at the North 1/4 corner of said Section 19, thence North 88 Degrees 27'22" West along the North line of said Section 19 for a distance of 331.69 feet to a point; Thence South 01 Degrees 30'38" West for a distance of 75.00 feet to a point on the South right-of-way line of Lake Park Road West. Thence North 88 Degrees 27'22" West along the South right-of-way of said Lake Park Road West for a distance of 124.96 feet to the POINT OF BEGINNING of the herein described parcel of land; Thence continuing North 88 Degrees 27'22" West along the South right-of-way of said Lake Park Road West, same being the North line of herein described parcel of land for a distance of 25.00 feet to a point for the Northwest corner of herein described parcel of land; Thence South 01 Degrees 30'38" West along the West line of said parcel of land for a distance of 146.59 feet to a point in the West line of that certain easement as described in Official Record Book 916, Page 465, said point being an angle point in the West line of the herein described parcel of land; Thence along the West right-of-way of said easement, same being the West line of herein described parcel of land the following courses: South 05 Degrees 11'45" West 11.78 feet, South 16 Degrees 53'50" West 91.28 feet, South 10 Degrees 16'50" West 193.98 feet, South 01 Degrees 31'30" West 23.14 feet, to the Southwest corner of the herein described parcel of land. Thence South 88 Degrees 28'30" East along the South line of the herein described parcel of land for a distance of 15.00 feet to a point in the centerline of heretofore mentioned easement. Said point being the Southeast corner of said herein described parcel of land. Thence along the said centerline, same being the Southern most East line of said herein described parcel of land the following two (2) courses, North 01 Degrees 31'30" East 21.99 feet and North 10 Degrees 16'50" East to a point for a distance of 140.87 feet to an interior corner of said herein described parcel of land. Thence South 88 Degrees 27'22" East along the eastern most South line of herein described parcel of land for a distance of 13.78 feet to a point for the Southwest corner of Tylander Property, same being the eastern most Southeast corner of the herein described parcel of land. Thence along the West line of said Tylander Property, same being the East line of herein described parcel of land North 17 Degrees 35'53" East for a distance of 105.70 feet, thence North 01 Degrees 30'38" East for a distance of 198.42 feet to the POINT OF BEGINNING, and being located on the south side of Northlake Boulevard, approximately .1 mile east of Interstate 95, bound on the east by Lyndall Lane, in a CG-General Commercial Zoning District, was approved on January 25, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions unless expressly modified herein.
2. Condition Number 18 ~~of~~ Zoning Petition Number 87-41, approved July 24, 1987, currently states:

"18. a. The minimum landscape buffer width and planting treatment along the project's western, northern, western most and southern most property line shall be installed as shown on Exhibit ~~No.~~ 28.

b. Along the project's 845.5 foot eastern property line and 120.00 foot southern and 47.24 foot western property lines, the petitioner may install a temporary landscape buffer consisting of a five (5) foot wide landscape strip which shall include a continuous six (6) foot high fence with a solid hedge planted on the outside edge facing the residentially zoned lots. This hedge shall consist of ficus species or australian pine three (3) feet in height upon planting and shall attain the height of six (6) feet within two (2) growing seasons. The hedge shall be continuously maintained in good, living order. This temporary landscape buffer may remain in place until the first ~~of~~ either of the following three (3) events shall occur: (1) two (2) years shall elapse from the date of the resolution adopting this modification petition; or (2) the rezoning of the adjacent residential lots to the south and their incorporation into this Special Exception for an automobile dealership; or (3) in the event of denial or withdrawal of the application for a change in the Comprehensive Plan and subsequent rezoning incorporating the adjacent residential lots into the subject site the petitioner shall install the landscape buffer as shown on Exhibit No.28 within ninety days of said withdrawal or denial".

is hereby amended to read as follows:

"18. A. Shall remain unchanged".

"18. B. Landscaping along the east and south property lines, where the facility abuts residentially zoned property, shall be upgraded to:

1. Provide a minimum of a ten (10) foot wide landscape strip.
2. Provide twelve (12) foot tall native canopy trees twenty (20) feet on center and one (1) palm for each thirty (30) feet.
3. Provide a six (6) foot concrete block wall along the inside edge of the landscape strip.

4. Provide one (1) vine planted on the exterior of the wall for each five (5) linear feet.
3. Lighting fixtures within 100 feet of the eastern and southern property lines shall not exceed fifteen (15) feet in height and lighting shall be directed inward through the use of house shields.
4. The 2.3 acre parcel shall only be used for inventory storage.
5. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification.
6. Generation and disposal of hazardous effluents into sanitary sewage 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.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.
10. 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 Florida Administrative Code (F.A.C.).
11. 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.
12. If required by the County Engineer or the South Florida Water Management District, 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.

13. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" to be paid sixty (60) days after site plan approval.
14. In addition the Developer shall contribute the amount of \$406.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$406.00 shall be paid sixty (60) days after site plan approval.
15. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$406.00 shall be credited toward the increased Fair Share Fee.
16. 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 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

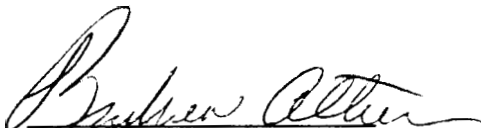
The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

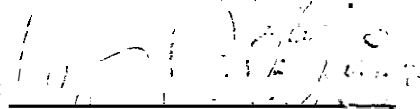
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK