

RESOLUTION NO. R-88-1196

RESOLUTION APPROVING ZONING PETITION NO. 87-44  
SPECIAL EXCEPTION PETITION OF SUN WHOLESALE AUTO, INC.

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-44 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-44, the petition of SUN WHOLESALE AUTO, INC., by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS, on a parcel of land lying on Lots 612, 613, 614, and 615, in Kenwood, Section 22, Township 44 South, Range 42 East, according to the plat thereof as recorded in Plat Book 3, Pages 44 and 45, located on the northeast corner of the intersection of Military Trail (SR 809) and Clinton Street in an CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to include the following:

- a. Required handicap parking spaces.
  - b. Delineation of customer parking spaces and display areas.
2. Use of the site shall be limited to the sale and leasing of new and used automobiles. No more than a total of nine (9) (eight (8) parked and one (1) being maintained) vehicles shall be parked upon the site at any time.
  3. Parking of vehicles shall be limited to those parking spaces as shown on the site plan. No vehicles shall be parked in rights-of-way, landscape strips, or accessways.
  4. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
  5. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

6. The property owner shall convey for the ultimate right-of-way of Military Trail, 53 feet from centerline (approximately an additional three (3) feet) within ninety (90) days of the final adoption of the Resolution approving this project.
7. Property owner shall not be permitted access onto Military Trail.
8. 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 presently is \$777.00 (29 trips X \$26.79 per trip).

9. The application and engineering plans, calculations etc. to construct the proposed septic tank must be submitted to the Health Department prior to site plan approval.
10. Since water is available to the property, no well shall be approved for use on the property.
11. In order to reduce the intensity of use at this site and its negative effect on adjacent land uses, petitioner shall supplement its perimeter landscape strips along Military Trail and Clinton Boulevard. At minimum, supplemental planting shall consist of ten to twelve (10-12) foot canopy trees planted twenty (20) feet on center together with a hedge thirty-six (36) inches in height planted twenty-four (24) inches on center.
12. Petitioner shall erect a six (6) foot high solid fence to screen the existing outdoor maintenance facility from view from adjacent properties.
13. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
14. No outdoor loudspeaker system shall be permitted on site.
15. Use of the site shall be limited to the sale and cleaning of new and used automobiles. No mechanical or body repair work shall be allowed on site.
16. No vehicles except customer and employee parking shall be stored or displayed on the site except those which are intended for sale and are in running condition.

Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

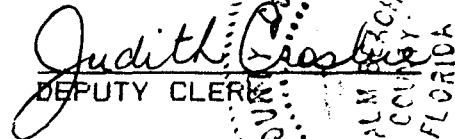
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

