

RESOLUTION NO. R-88- 1811

RESOLUTION APPROVING ZONING PETITION NO. 87-133
SPECIAL EXCEPTION PETITION OF ABRAHAM ORESKY

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. 87-133 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 87-133, the petition of ABRAHAM ORESKY, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE AND MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL REPAIR FACILITY AND LOTS on a parcel of land lying on the North 190.00 feet of the West 241.40 feet of Lot 68, according to the Plat of Henry's Military Trail Addition, in Section 36, Township 43 South, Range 42 East, as recorded in Plat Book 21, Page 39, EXCEPTING therefrom the North 15.00 feet and the West 3.00 feet for additional Road Rights-of-Way of Record, located on the southeast corner of the intersection of Military Trail (SR 809) and Tulane Drive and bounded on the south by Manchester Lane, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. The relocation of the handicap stall closer to the main office.
 - b. Required landscape strips.
 - c. Required minimum 20 foot distance between the property line and the first parking stall.
 - d. Required maximum 35 foot access dimension.
 - e. Required terminal islands for all rows of parking that are not in a "Specialized Vehicular Use Area".
2. No display vehicle which is: (a) parked in the row adjacent to Military Trail; and (b) facing Military Trail shall be parked with its hood open so that the engine and interior of the hood is visible from Military Trail. Not more than two (2) vehicles may be displayed on raised platforms above finished grade. No vehicles shall be parked in any right-of-way, accessway, or driveway.
3. No advertising flags, foreign flags, pennants, banners, streamers, balloons, or similar objects, gimmicks, or advertising, shall be displayed upon the site. Signage shall comply with the Palm Beach County Sign Code. Prices, vehicle stock numbers, or similar advertising information relating to specific vehicles (other than information required by law to be affixed to the vehicles' side window) shall be neatly stenciled or professionally typed or printed, and shall not exceed 324 square inches in sign face per vehicle.
4. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles and for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially zoned lot, and shall be appropriately designated, marked and signed.
5. The residence shall be removed or renovated to meet Commercial Building Code Standards as required in the CG-General Commercial Zoning District.
6. The developer shall execute a Unity of Title for the subject site. This Unity shall be recorded and submitted in duplicate to the Zoning Division

simultaneously with the Site Plan Review Committee Application.

7. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
8. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
9. No vehicles other than customer and employee parking shall be stored or displayed on the site except those which are intended for sale and are in running condition. No more than six (6) inoperative or damaged vehicles held in the ordinary course of the petitioner's business shall be permitted on the site at any one time. These vehicles shall be screened from view and placed within the interior of the lot. There shall be no disassembly of these vehicles on the site.
10. No outside storage of disassembled vehicles or parts thereof shall be permitted on site, except as provided in Condition No. 9 above.
11. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
12. Vehicles shall not be tested off-site on residential streets.
13. No off-premises signs shall be permitted on site.
14. No stock loading or dumpster pickup will be permitted between the hours of 9:00 p.m. and 7:00 a.m.
15. The Petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation, and shall not be adjacent to residentially zoned lots.
16. The site plan shall be revised so that the vehicle display area can meet minimum Property Development Regulations.
17. The display of vehicles shall be limited to 64

vehicles. This number shall be reduced, if necessary, in order to meet Property Development Regulations.

18. No access to the site shall be permitted from Military Trail.
19. 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.
20. 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 waster from the proposed site.
21. The property owner shall pay Fair Share Fee in the amount & manner required by 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 is \$1,072.00 (40 trips X \$26.79 per trip).
22. In addition the petitioner shall contribute the amount of \$268.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$268.00 shall be paid prior to the issuance of the first Building Permit.
23. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$268.00 shall be credited toward the increased Fair Share Fee.
24. The application and engineering plans, calculations etc. to construct well and / or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of building permit for straight rezoning).

25. Because water service is available to the property, a well shall not be approved for potable water use.
26. Outdoor loudspeakers shall be limited to the west side of the building and oriented to face Military Trail.
27. No commercial activity shall be permitted after 9:00 P.M. daily.
28. All outdoor lighting shall be oriented toward the interior of the site, directed away from residential development to the east and adjacent right-of-way.


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

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

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 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

