

RESOLUTION NO. R-89- 592

RESOLUTION APPROVING ZONING PETITION NO. 85-27(A)
SPECIAL EXCEPTION PETITION OF HENRY W. TUCKER AND STEPHEN B. ROSS

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. 85-27(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1988; 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. 85-27(A), the petition of HENRY W. TUCKER AND STEPHEN B. ROSS, by Glen Blount, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS, on a parcel of land lying on a Tract of land in Section 17, Township 42 South, Range 43 East, particularly described as follows:

Begin at a point in the South line of Section 17, at a distance 208.71 feet East of the Southwest corner thereof: thence Northerly parallel with the West line of said Section, a distance of 218.71 feet to a point; thence Easterly parallel with the South line of said Section 17, a distance of 165 feet to a point; thence Southerly, parallel with the West line of said Section 17,

a distance of 218.71 feet to a point in the South line of said Section 17; thence Westerly along said South Section line, a distance of 165 feet to the POINT OF BEGINNING.

Less; that part of the above described parcel conveyed to the State of Florida, in Official Record Book 2284, page 1032, Public Records of Palm Beach County, Florida, and LESS any part of the above described parcel of land lying South of the North line of State Road 809, located on the north side of Northlake Boulevard (S.R. 809), approximately 167 feet west of Mount Holly Drive, bounded on the north by Mango Lane, in a 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 indicate the following:
 - a) elimination of access on Mango Lane.
 - b) landscaping along Mango Lane as indicated in Condition No. 12 below.
2. 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 driveway. A minimum of six (6) parking spaces shall be available for customer parking. These spaces shall be clearly marked for customer use only.
3. 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.
4. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
5. Vehicles shall not be tested off-site on residential streets.
6. There shall be no repair of vehicles on site.
7. No outdoor loudspeaker system shall be permitted on site.
8. No off-premises signs shall be permitted on site.
9. No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 7:00 A.M.
10. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall

not be parked in any right-of-way or driveway.

11. **No** advertising flags, foreign flags, pennants, **banners**, streamers, balloons, signs upon any vehicles, **prices or** vehicle stock numbers or other information as **required to** be posted on such vehicles by law other than **upon a** sticker affixed to a side window, or similar **objects**, gimmicks or advertising designed to attract **the** public's attention off-site shall be **displayed** outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by **the Sign Code**.
12. The petitioner shall provide landscaping along the north perimeter adjacent to Mango Lane as follows: 10-12 foot high native canopy trees planted 20 feet on center, and a continuous hedge of shrubs a minimum of 36 inches in height, planted 24 inches on center.
13. The petitioner shall establish a limited access easement along Mango Lane to prohibit vehicular access.
14. The site shall be limited to the display space for a maximum of 30 cars.
15. 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.
16. 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.
17. 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 \$2,491.00 (93 trips X \$26.79 per trip).
18. 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.

19. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
20. Because water service is available to the property, a well shall not be approved for potable water use.
21. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.
22. The landscape strip as required by Condition No. 9 along Mango Road shall be supplemented with a six (6) foot high concrete slat fence. The fence shall be placed on the inside southern edge of the landscape strip. The fence shall be given architectural finish on both sides. The wall and landscaping shall be appropriately maintained in a healthy and neat appearance.
23. The canopy trees along the north and south property lines shall be planted with a minimum overall height of ten feet (10') to twelve feet (12').
24. Exterior lighting shall not exceed 25 feet in height and shall be directed away from adjacent properties. When measured on site, ten (10) feet from the property line with a light meter held six (6) feet above grade, the illumination shall not exceed:
 - a. 100 foot candles within display areas; and
 - b. 40 foot candles within all other areas.
 - c. After 11:00 p.m., the same measurement shall be as follows:
 - i. 50 foot candles within display areas; and
 - ii. 40 foot candles within all other areas.
25. Petitioner shall construct a five (5) foot wide concrete sidewalk within the south right-of-way of Mango Road, subject to the approval of the County Engineer.
26. Use of the site shall be limited to the retail sales of new and used automobiles.
27. The hours of operation shall be no later than 9:00 p.m.

daily.

28. The building shall not be painted yellow.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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	--	Nay
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKEE, CLERK

BY: 
DEPUTY CLERK

