

RESOLUTION NO. R-89-1255

RESOLUTION APPROVING ZONING PETITION NO. 89-10  
SPECIAL EXCEPTION PETITION OF E. BRUCE AND PATRICIA N. KING

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. 89-10 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 10, 1989; 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. the petition of E. BRUCE AND PATRICIA N. KING, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL, NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOT (USED CAR SALES) on a parcel of land lying: Parcel A; a parcel of land in the Southwest 1/4 of Section 17, Township 42 South, Range 43 East, more particularly described as follows: Commencing at the intersection of the Easterly Right-of-way line of Florida East Coast Railway and the Westerly extension of the Southerly Right-of-way line of Richard Road as said Right-of-way is shown on Plat of Kelsey Acres, recorded in Plat Book 22, Page 16: thence, Southerly along said Easterly Right-of-way line of the Florida East Coast Railway, a distance of 1151.93 feet to the Point of Beginning; thence, South along the Easterly Right-of-way line of the Florida East Coast Railway to a Point on the South line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 17, a distance of 252.55 feet; thence, East along said South line to a point on the East line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 17, a distance of 39.62

feet; thence, North along said East line, a distance of **289.88** feet; thence, Southwesterly along the line making an angle with the preceding course, measured from South to West of **67** degrees **24' 44 "**, a distance of **148.00** feet more or less, to the Point of Beginning; and a parcel of land in Section **17**, Township **42** South, Range **43** East, more particularly described as follows: Beginning at a point in the Westerly Right-of-way line of State Road **A1A**, formerly State Road No. **176**, said Westerly Right-of-way line being herein assumed to be a line parallel to, and **40.00** feet Westerly from, the center line of said road and also being parallel to and **7.00** feet Westerly from the Westerly Right-of-way line of said road, plat of Rivard Subdivision, Plat Book **21**, Page **12**, and said Point of Beginning being **955.00** feet Northerly, measured along said Right-of-way line from the South line of said Section **17**; thence, Northerly, along said Westerly Right-of-way line **140.60** feet; thence, Westerly, at right angles to the preceding course **144.00** feet, more or less, to a point in the Westerly line of the southeast **1/4** of the Southwest **1/4** of said Section **17**; thence, Southerly along said Westerly Right-of-way line **152.02** feet, more or less, to a point in a line parallel to and **140.60** feet Southerly from, measured at right angles to, the North line of the herein described parcel; thence, Easterly along said parallel line **207.35** feet, more or less, to the Point of Beginning; and a parcel of land in Section **17**, Township **42** South, Range **43** East, described as follows: Beginning at a point in the Westerly Right-of-Way line of State Road No. **1**, formerly State Road **176**, said Westerly Right-of-way being herein assumed to be a line parallel to and **40.00** feet Westerly from the center line of said road, and also being parallel to, and **7.00** feet Westerly from, the Westerly Right-of-way line of said road, as shown on the Plat of Rivard Subdivision, Plat Book **21**, Page **12**, and said Point of Beginning being **810.00** feet Northerly, measured along said Right-of-way line, from the South line of said Section **17**; thence, Northerly along said Westerly Right-of-way line **145.00** feet; thence, Westerly at right angles to the preceding course **207.35** feet, more or less, to a point in the Westerly line of the Southeast **1/4** of the Southwest **1/4** of said Section **17**; thence, Southerly, along said Westerly line **156.60** feet, more or less, to a point in a line parallel to and **145.00** feet Southerly from, measured at right angles to, the North line of the herein described parcel; thence, Easterly along said parallel line **266.45** feet, more or less, to the Point of Beginning; **LESS** the Easterly **15.00** feet of the following described parcels of land, being that part which lies within **55.00** feet Westerly of the centerline of construction for S.R. Alternate **A1A**, in Section **17**, Township **42** South, Range **43** East; a parcel of land in Section **17**, Township **42** South, Range **43** East, described as: Beginning at a point in the Westerly Right-of-Way line of S. R. **A1A**, formerly S. R. **176**, said Westerly Right-of-Way line being herein assumed to be a line parallel to and **40.00** feet Westerly from the center line of said road, and also being parallel to and **7.00** feet Westerly from the Westerly Right-of-way line of said road, Plat of Rivard Subdivision, Plat Book **21**, Page **12**, and said Point of Beginning, being **955.00** feet Northerly, measured along said Right-of-way line from the South line of said Section **17**, thence Northerly along said Westerly Right-of-way line **140.60** feet, thence Westerly at right angles to the preceding course, **144.00** feet, more or less, to a point in the Westerly line of the Southeast **1/4** of the Southwest **1/4** of said Section **17**,

thence Southerly along said Westerly line 152.02 feet, more or less, to a point in a line parallel to, and 140.60 feet Scutherly from, measured at right angles to, the North line of the herein described parcel, thence Easterly, along said parallel line, 207.35 feet, more or less, to the Point of Beginning; and beginning at a Point in the Westerly Right-of-way line of State Road No. 1 (Formerly State Road No. 176), said Right-of-Way line being herein assumed to be a line parallel to, and 40.00 feet Westerly from, the center line of said road, and also being parallel to and 7.00 feet Westerly from the Westerly Right-of-Way line of said road, as shown on the Plat of Rivard Subdivision, Plat Book 21, Page 12, and said Point of Beginning being 810.00 feet Northerly, measured along said Right-of-way line from the South line of said Section 17; thence, Northerly along said Westerly Right-of-way line, 145.00 feet; thence, Westerly at right angles to the preceding course 207.35 feet, more or less, to a point in the Westerly line of the Southeast 1/4 of the Southwest 1/4 of said Section 17; thence, Southerly along said Westerly line, 156.60 feet, more or less, to a point in a line parallel to, and 145.00 feet Southerly from, measured at right angles to, the North line of the herein described parcel; thence, Easterly along said parallel line 266.45 feet, more or less, to the Point of Beginning, being located on the west side of Alternate State Road A-1-A, approximately 650 feet north of North Lake Boulevard (SR 809A), 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:
  - a. Graphic representation of required and proposed landscape including trees and hedge material;
  - b. Dimensions for all interior and terminal landscape islands; and,
  - c. Revised tabular data to list a minimum of 43,175 square feet for vehicular display areas, and the required 4,317 square feet of interior landscaping.
2. The required fifteen (15) foot landscape strip abutting State Road Alternate A1A shall be supplemented with native canopy trees a minimum twelve (12) feet in height, planted a maximum of twenty-five (25) feet on center.
3. Each interior and terminal landscape island within or abutting the vehicular display areas shall be planted with one tree for each 150 square feet, or fraction thereof, contained within the landscape island.
4. The unloading of vehicles from car carriers shall be done on-site within the areas for display vehicles, and shall not interfere with other vehicular circulation or parking.

5. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way, or interior drives.
6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
7. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way.
8. Vehicles shall not be tested off-site on residential streets.
9. Use of the site shall be limited to the commercial sales of used automobiles and trucks.
10. No outdoor loudspeaker system shall be permitted on site.
11. All lighting shall be of low intensity, shielded and directed away from surrounding properties and rights-of-way.
12. 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.
13. No off-premise signs shall be permitted on the site.
14. 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.
15. 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.

16. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property and a cross access agreement (for the property to the south) subject to approval by the County Attorney. The proposed Site Plan shall then reflect this cross access between the 2 properties.
17. Generation and disposal of hazardous effluent; 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.
18. The use of the facility shall be allowed to operate on a septic system provided that no maintenance, repair, or washdown of vehicles shall take place on site until sewer service is provided; and, the property is limited to sales of used vehicles only.
19. Because water service is available to the property, a well shall not be approved for potable water use.
20. Prior to issuing a septic tank permit, the applicant shall submit a floor plan acceptable to the Health Department.
21. Graphics submitted at the public hearing shall be submitted to the Zoning Division for inclusion in the petition file.
22. At a minimum, landscape area shall equal that as submitted on Exhibit 20.
23. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Howard 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 J. Elmquist, Chair	--	Aye
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Absent
Carol Roberts	--	Absent ..

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 10, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

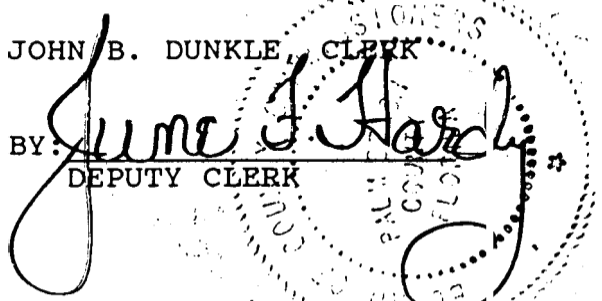
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

