

RESOLUTION NO. R-89- 1619

RESOLUTION APPROVING ZONING PETITION NO. 89-43
SPECIAL EXCEPTION PETITION OF JOHN STALUPPI

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. 89-43 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; 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. 89-43 the petition of JOHN STALUPPI, by Larry Smith, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS (NEW CAR SALES ONLY) on a parcel of land lying on the East 125.00 feet of the West 1125.00 feet of the North 81.04 feet; and the West 170.21 feet of the East 210.21 feet of the North 81.40 feet; all lying and being in the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, being located on the northwest corner of the intersection of Gardenette Street and Military Trail (SR 809) in a CG-General Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required tabular verifying the amount of interior landscaping to be transferred to the perimeter strips;

- b. A clear corner distance of ten (10) feet at the intersection of all accessways and public rights-of-way: and,
 - c. A clear corner distance of twenty-five (25) feet at the intersection of two (2) public rights-of-way.
- 2. Perimeter landscaping along the south and east property lines shall be upgraded to include twelve (12) foot native canopy trees planted twenty (20) feet on center, a forty-two (42) inch hedge, and one (1) native palm for each twenty (20) feet of frontage. The five (5) foot landscape strip between the auto mall and this property shall be transferred to the landscape buffer adjacent to Gardenette Road.
- 3. Simultaneously with the submittal for site plan review committee, the petitioner shall provide documentation substantiating the existence of all structures on site prior to February of 1973, or comply with the property development regulations set forth in Section 610.D of the Palm Beach County Zoning Code.
- 4. No stock loading or dumpster pickup will be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- 5. No advertising flags, foreign flags, pennants, banners, streamers, or balloons shall be permitted on site. No 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.
- 6. No repair, maintenance or sale of parts or accessories shall be permitted on site.
- 7. Outside storage of disassembled or inoperative vehicles or parts thereof, shall not be permitted on site.
- 8. Customer 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 driveways.
- 9. 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.
- 10. Vehicles shall not be tested off-site on streets in residential neighborhoods.
- 11. 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.

12. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
15. 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.
16. 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.
17. The petitioner shall submit two copies of a recorded easement, in a favor of Palm Beach County, across the south seven (7) feet of the site. No landscaping, fencing or other structures shall be permitted within this easement. The Engineering Department shall approve this easement prior to Site Plan Review Committee approval.
18. Simultaneously with Site Plan Review Committee application, the petitioner shall submit for review two copies of:
 - a. A recorded cross access/parking agreement which specifies that minimum parking, storage of inventory and off-loading of inventory will be allowed on the property to the north: and,
 - b. A recorded Unity of Control which commits both properties to be developed according to the approved site development plan encompassing both properties.

19. The petitioner 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 \$5,037.00 (188 trips x \$26.79 per trip).
20. No off premise signs shall be permitted on site.
21. The rear portion of the lot, which extends beyond the mapped commercial designation line of the Comprehensive Plan shall be limited to water retention, landscaping and on grade parking.
22. The two (2) most eastern parking stalls located adjacent to Military Trail shall be limited to inventory parking only.
23. Failure to comply with any conditions of approval 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 Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts 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	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Altman*
COUNTY ATTORNEY

BY: *Janet Williams*
DEPUTY CLERK

