

RESOLUTION NO. R-90-373

RESOLUTION APPROVING ZONING PETITION NO. 74-175(A)
SPECIAL EXCEPTION PETITION OF BURTON LEON REYNOLDS

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. 74-175(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 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. 74-175(A), the petition of BURTON LEON REYNOLDS, by Robert F. Culpepper, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE (1) AN AUTO SERVICE STATION (NO REPAIRS), (2) A CAR WASH, AND (3) RECREATION FACILITIES, AMUSEMENTS, AND ATTRACTIONS, AND EXHIBITS (PETTING ZOO) (IF APPROVED, THIS WILL EXTINGUISH A SPECIAL EXCEPTION USE FOR COMMERCIAL SALE OF PRODUCTS ASSOCIATED WITH AGRICULTURE, IN PARTICULAR, FEED, GRAIN, TACK SUPPLIES, WESTERN APPAREL AND **SIMILAR** ITEMS), being a parcel of land in the Southeast **1/4** of Section 12, Township 41 South, Range 41 East, described as follows: Commencing at the Southeast corner of said Section **12**, thence North 89 Degrees **55' 41"** West along **the South** line of said Section 12 (the South line of Section 12 is assumed to bear North 89 Degrees **55' 41"** West and all other bearings stated herein are relative thereto) a distance of 91.10 feet to a point on the West right of way line of State Road No.7 as shown in the replat of Jupiter Farms and Groves, **Plat** Book 24, **page 7**, thence North 01 Degrees **08' 54"** East along said right of way line a distance of 631.33 feet to the Southeast corner and the Point **of Beginning** thence continue North 01 Degrees **08' 54"** East along said right of way line a distance of 696.99 feet to a point on the North line of the South **1/2** of the South **1/2** of said Section 12; thence North 89 Degrees **56' 05"** West along

said **North** line a distance of 274.58 feet; thence South 00 Degrees 26' 30" East a distance of 584.48 feet; thence South 87 Degrees 17' 21" West a distance of 138.44 feet; thence South 00 Degrees 26' 30" East a distance of 75.00 feet; thence North 87 Degrees 17' 21" East a distance of 177.82 feet; thence South 02 Degrees 46' 37" East a distance of 41.50 feet; **thence North** 89 Degrees 29' 57" East a distance of 214.18 feet to the Point of Beginning; being located on the north side of Jupiter Farms Road (100th Avenue North), approximately .2 mile east of 159th Court North in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to indicate:
 - a. Compliance with minimum property development regulations and land development requirements.
 - b. An upgraded landscape buffer extending along the entire north property line consisting of minimum, ten (10) feet high native canopy trees spaced twenty (20) feet on center and a minimum six (6) feet high solid fence.
 - c. A minimum six (6) foot high hedge extending along the west and south property lines.
 - d. A minimum of 104 trees shall be incorporated into the overall site plan design.
2. No outside storage of materials, or disassembled vehicles, shall be allowed on site.
3. Dumpster and trash receptacles shall be screened from view from adjacent lots and streets.
4. Outdoor lighting used to illuminate the **premises** shall be low intensity, shielded and directed away from adjacent properties and streets, shining only on the subject site.
5. No exterior loud speakers or paging equipment shall be permitted on the site.
6. No off-premise signs shall be permitted on site.
7. Parking of vehicles shall take place in designated parking areas only.
8. 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.
9. The owner, occupant or tenant of the facility, shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
10. 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.

11. 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.
12. The Property owner shall construct a right turn lane, north approach on State Road 7 at **the project's** north entrance road concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
13. 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.
14. Resolution No. R-74-1008 is hereby repealed in its entirety.
15. Prior to Site Plan Review submittal, a Unity of Control shall be recorded subject to approval by the County Attorney.
16. New **signage** shall be limited to two **(2)**, five (5) foot by four (4) foot free standing signs, as shown in Exhibit 29.
17. The buildings shall be given architectural treatment consistent with the ranch style architecture in the surrounding area, subject to **approval** by the Planning, Zoning and Building Department.
18. Building height shall be limited to twenty-six (26) feet.
19. No change in use of the petting zoo area in the southwest portion of the site, as shown on Exhibit **No.30**, shall be permitted without prior approval by the Board of County Commissioners.
20. 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 Marucs 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	--	W =
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

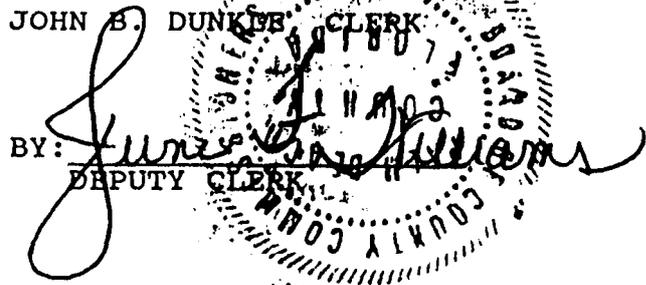
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKER, CLERK

BY:


COUNTY ATTORNEY

BY: 
DEPUTY CLERK

