

RESOLUTION NO. R-90-1297

RESOLUTION APPROVING ZONING PETITION NO. 79-236(A)
SPECIAL EXCEPTION PETITION OF ROBERT M. & BRUCE ORESKY
BY WILLIAM P. JACOBSON, AGENT

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. 79-236(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 79-236(A), the petition of ROBERT M. AND BRUCE ORESKY, BY WILLIAM P. JACOBSON, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING AUTOMOTIVE REPAIR FACILITY TO INCLUDE A COMMERCIAL, NEW AND USED, TRUCK SALES AND REPAIR FACILITIES AND LOT on a parcel of land lying on the West 140.00 feet of the East 200.00 feet of the South 222.40 feet of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 1, Township 44 South, Range 42 East, excepting the Right-of-way of Military Trail, then located and in use, further excepting the South 50.00 feet thereof for road purposes, and being located on the northwest corner of the intersection of Military Trail and Sunny Lane in a CG-General Commercial Zoning District, was approved on February 22, 1990, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate:
 - a. Upgraded landscaping along the east, south and west property lines with trees a minimum twelve (12) feet high with a minimum six (6) foot spread, spaced thirty (30) feet on center, and a minimum thirty (30) inch hedge, spaced twenty-four (24) inches on center.
 - b. **No** bay door openings along the west side of the existing building.
3. **No** outdoor speaker or public address systems which are audible from the exterior of the development shall be permitted on site.
4. Use of the site shall be limited to 3,678 square feet of commercial sales, leasing and repair of new or used automobile, truck and customary accessory uses.
5. **No** vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition.
6. **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.
7. Vehicles shall not be tested off-site on residential streets.
8. **No** outside storage of disassembled vehicles or parts thereof shall be permitted on site.
9. 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.
10. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
11. **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, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc, shall not be permitted on-site.
12. 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.

13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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.
16. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter **10-D-6 F.A.C.**
17. 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 on site 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.
18. 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.
19. 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 **\$770.00 (14 trips X \$55.00 per trip)**.
20. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	-- Aye
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 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

