

RESOLUTION NO. R-88-1189

RESOLUTION APPROVING ZONING PETITION NO. 87-17
SPECIAL EXCEPTION PETITION OF ROBERT G. SCRANTON, JR.

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. 87-17 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; 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. 87-17 the petition of ROBERT G. SCRANTON, JR, by Charles W. DeSanti, Agent, for a SPECIAL EXCEPTION TO ALLOW 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 the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, excepting the East 542.00 feet thereof; also excepting the West 53.00 feet and the South 53.00 feet thereof for the rights of way for Military Trail and Belvedere Road, located on the Northeast corner of the intersection of Military Trail (SR 809) and Belvedere Road 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. required landscaping between off-street parking areas and right-of-way.
 - b. the ultimate rights-of-way for Military Trail and Belvedere Road, along with proposed subsequent changes to landscaping, parking and access to accommodate future right-of-way expansion.
2. 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) 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.
3. The property owner shall convey for the ultimate right-of-way of:
- a. Military Trail 64 feet from centerline.
 - b. Belvedere Road, 76 feet from centerline.
- all within 90 days of the approval of the Resolution approving this project.
4. 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 \$777.00 (29 trips X \$26.79 per trip).
5. Use of the site shall be limited to sale and repair of new and used automobiles.
6. 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.
7. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.

8. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system.
9. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the property.
10. Petitioner shall be limited to a maximum of seventeen (17) outdoor display spaces for vehicles.
11. There shall not be outside storage of disassemble vehicles or parts thereof.
12. On site operation shall be limited to the hours of 7:00 A.M and 8:00 P.M.
13. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
14. No outdoor loudspeaker system shall be permitted on site.
15. No off premises signs shall be constructed on site.
16. Petitioner shall install landscaping on its property to meet the Palm Beach County Landscaping Code within its boundaries of the lot. No variance relief shall be permitted for landscape requirements.

Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

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

