

RESOLUTION NO. R-88-1222

**RESOLUTION APPROVING ZONING PETITION NO. 87-41
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 Ordinance No. 73-2** have been **satisfied**; and

WHEREAS, **Petition** No. 87-41 was presented to the Board of County **Commissioners** of Palm Beach County, **sitting as the Zoning Authority**, at its **public hearing** conducted on **July 24, 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. **87-41** the **petition** of **JOHN STALUPPI**, for a **SPECIAL EXCEPTION TO ALLOW COMMERCIAL NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES, RENTAL AND REPAIR FACILITIES AND LOTS on a parcel of land lying on PARCEL A:** The West **105** feet of the East **165** feet of the South **314** feet of the North **489** feet of the Northwest **1/4** of the Northeast **1/4** of the Northwest **1/4** of **Section 19**, Township **42** South, Range **43** East; Together **with** adjacent **parcels of land in the Northeast 1/4** of the Northwest **1/4** of **Section 19**, Township **42** South, Range **43** East, more **particularly described** as follows: The east **60** feet of the South **461** feet of the North **536.24** feet of the West **1/2** of **said** Northeast **1/4** of the Northwest **1/4** of **Section 19**; **less** the East **25** feet of the North **200** feet and **less** the West **20** feet of the South **47.24** feet thereof; and also the South **561.37** feet of the North **63'6.37** feet of the West **206.67** feet of the **East 1/2** of

said Northeast 1/4 of the Northwest 1/4 (**less** the South 100 feet of the Westerly 130.71 feet and **less** parcel in Official Record Book 494, Page 98, and Official Record **Book 1211**, Page 448) ; **together** with the East 15 feet of the West 145 feet Of the North 467 feet of the South 700 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 (**less** the East 200 feet Of the West 235 feet of the North 200 feet of the land described hereinbefore); Less and Except the **Right-Of-Way** of Northlake Boulevard and **Right-Of-Way as recorded in Official Record Book 916**, Page 465, also Less and Except the **following** parcel of **land**: Commence at the North 1/4 corner of **Section 19, Township 42 South, Range 43 East**; thence Run North 88 degrees 27' 22" West **along** the North **line** of the Northwest 1/4 of **said Section 19**; a **distance** of 339.39 feet; thence South 01 degree 32' 04" West **along** the East **line** of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of **said Section 19**; a **distance** of 375.00 feet; thence North 88 degrees 27' 22" West, a **distance** of 126.66 feet to the **Point of Beginning** of the **herein described parcel**; thence **continue** North 88 degrees 27' 22" West, a **distance** of 24.34 feet to a point on the East **Right-Of-Way line** of Lyndall Lane as **described in Official Record Book 916**, Page 465; thence **along said Right-Of-Way** North 10 degrees 16' 50" East a **distance** of 47.92 feet; thence **continue along said Right-Of-Way** North 16 degrees 53' 50" East, a **distance** of 64.30 feet; thence South 01 degree 31' 30" West **along** the **East line** of the West 206.67 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of **said Section 19**; a **distance** of 169.37 feet to the **Point of Beginning**. Together with: PARCEL B: A parcel of land lying in the Northwest 1/4 of **Section 19, Township 42 South, Range 43 East**, **being** more particularly described as follows: the West 1/2 of the East 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of **Section 19**, Less the Northerly 375 feet thereof: The **following legal description was created** to absorb the 1.66 foot hiatus created by Parcel A and Parcel B legal descriptions. A Parcel of Land in the Northeast 1/4 of the Northwest 1/4 of **Section 19, Township 42 South, Range 43 East**, more particularly **described as follows**: Commence at the North 1/4 corner of **Section 19, Township 42 South, Range 43 East**; thence Run North 88 degrees 27' 22" West **along the North line** of the Northwest 1/4 of **said Section 19**, a **distance** of 726.78 feet; the South 01 degree 31' 30" East a **distance** of 75.00 feet to a point on the South **Right-Of-Way line** of Lake Park West Road **said point also being the Point of Beginning** of the **herein described parcel of land**; thence South 88 degrees 27' 22" East, a **distance** of 35.00 feet, Thence South 01 degree 31' 30" West, a **distance** of 200.00 feet; Thence South 88 degrees 27' 22" East a **distance** of 197.98 feet; Thence South 16 degrees 53' 50" West **along** the **Westerly line** of a 30-foot road **Right-Of-Way and Easement**, a **distance** of 48.08 feet; Thence South 10 degrees 16' 50" West a **distance** of 193.98 feet; Thence South 01 degree 31' 30" West, a **distance** of 23.14 feet (the previous two courses also being along said **Westerly line**); Thence North. 88 degrees 27' 22" West, a **distance** of 172.37 feet; Thence South 01 degrees 31' 14" West, a **distance** of 798.84 feet

to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 19; Thence North 88 degrees 11' 25" West along said South line, a distance of 291.59 feet; Thence North 01 degree 30' 57" East, a distance of 958.73 feet; Thence South 88 degrees 27' 22" East, a distance of 168.32 feet; Thence North 01 degree 31' 30" East, a distance of 200.00 feet; Thence South 88 degrees 27' 22" East, a distance of 105.00 feet; Thence North 01 degree 31' 30" East, a distance of 100.00 feet to the Point of Beginning. Together with: From the Northeast corner of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, run West on the North line of said Section 19, (center line of Lake Park West Road as now laid out and in use) a distance of 486.67 feet; Thence run South 0 degrees 01' 55" East, a distance of 75 feet to a point in the Southerly Right-Of-Way of said Lake Park West Road, the Point of Beginning of the parcel herein conveyed; thence continue south 0 degrees 01' 55" East, a distance of 200 feet; Thence run West a distance of 200 feet; Thence North 0 degrees 01' 55" West, a distance of 200 feet to a point on said Southerly Right-Of-Way line of Lake Park West Road; Thence run East on said Right-Of-Way line a distance of 200 feet to the Point of Beginning. Together with: The South 100 feet to the North 173 feet of the West 90 feet of the East 150 feet of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 42 South, Range 43 East, located on the southwest corner of the intersection of Lake Park West Road (Northlake Boulevard) and Lyndall Lane, 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. The required six (6) handicap parking spaces.
 - b. The correct total floor area ratio.
 - c. The required eight (8) foot high chain-link fence or wall.
 - d. Appropriate signage to indicate one (1) way traffic at all affected intersections and points of entry and exit.
2. No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 8:00 A.M.
3. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
4. No outdoor public address system shall be installed on the site.
5. Outdoor lighting used to illuminate the premises shall

be **low intensity in** nature and **directed away** from adjacent properties **and streets, shining only** on the subject **site**.

6. **Prior to site plan certification, applicant shall revise this proposed site plan to clarify fee simple ownership of the Lyndall Lane adjacent to this property .**
 7. 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) inches** of the stormwater runoff generated by a 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.
 8. The property owner **shall** construct:
 - a. **Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall Lane.**
 - b. Lyndall Lane (**local street standards minimum 2-10 foot travel lanes**) from **Northlake Boulevard South** to the South property line a **distance of 465 feet**.
- All construction shall be concurrent with onsite paving and drainage improvements.**
9. 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 \$26,736.00 (998 trips X 826.79 per trip)**.
 10. **Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional \$6,684.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$33,420.00 are to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur.**

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,684.00 shall be credited toward the increased Fair Share Fee.

11. Generation and disposal of hazardous effluent5 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. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
13. 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.
14. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.
15. ND off-site or off-premise type signs shall be established on the site.
16. The off-loading of automobiles from trucks will be limited to on-site area.
17. Signage along Northlake Boulevard will be limited to our dealership sign and two (2) flat wall signs, one (1) on each building frontage on Northlake Boulevard, provided that the Palm Beach County Sign Code does not establish a more restrictive requirement, the flat signs will be such a size as to be consistent with the standards established in the Palm Beach Gardens Sign Code. The dealership sign would be elevated and located in the green area in front of the building, No flag poles will be allowed.
18. Trees required to be planted in perimeter landscaped strips shall be planted twenty (20) feet on center and shall be a minimum of twelve (12) feet in height upon planting.

Commissioner Elmquist, 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 -- **Absent**
Carol J. Elmquist -- **We**
Karen T. Marcus -- **Aye**
Dorothy Wilken -- **We**
Kenneth M. Adams -- **Aye**

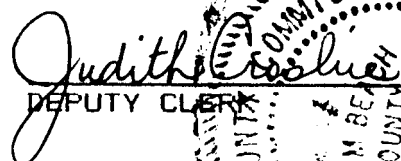
The **foregoing resolution** was declared duly passed and adopted **this 9th** day of **August**, **1988** confirming **action of July 24, 1987**

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

