

RESOLUTION NO. R-88-1633

RESOLUTION APPROVING ZONING PETITION NO. 87-108
SPECIAL EXCEPTION PETITION OF SAL J. FRASCO

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. 87-108 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 30, 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. 87-108, the petition of SAL J. FRASCO, by Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS (AUTOMOBILE WHOLESALE AND RESALE FACILITY). THIS WILL EXTINGUISH THE SPECIAL EXCEPTION FOR AN OFFICE/WAREHOUSE COMBINATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-171 ON SEPTEMBER 20, 1980 (RESOLUTION NO. R-80-1406 ADOPTED OCTOBER 14, 1980) on a parcel of land lying on Lots 15, 16, 17, and 18, Block 31, West Gate Estates, in Section 30, Township 43 South, Range 43 East, as recorded in Flat Book 8, Page 38, located on the south side of Westgate Avenue, approximately 280 feet west of Wabasso Drive, 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. No parking stalls within the twenty (20) foot backup distance or obtain variance relief from the Board of Adjustment.
 - b. Required terminal islands for each row of parking spaces or obtain variance relief from the Board of Adjustment.
 - c. Required front, side interior and rear setback or obtain variance relief from Board of Adjustment or substantiate the building location as a valid non-conforming structure.
 - d. Required 5 foot landscape strip.
 - e. Installation of either alternative perimeter landscape strip No. 1, 2 or 3.
 - f. Required canopy tree in terminal island.
 - g. Required amount of customer parking stalls.
 - h. Required paved parking spaces for bullpen auto storage area.
 - i. Required access dimension of 25 feet per the previously approved site plan.
 - j. Required loading berth.
 - k. The correct square footage of the building per previously approved survey and site plan on file.
2. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the site.
3. No outdoor loudspeaker system shall be permitted on site.
4. Use of the site shall be limited to the sale of new and used automobiles. No mechanical or body repair work shall be allowed on the site.
5. No vehicles except 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. If a Specialized Vehicular Use Area is utilized for

display of vehicles, there shall be a barrier separating S.V.U.A. from customer parking. This barrier may be in the form of a landscape strip, mountable curb, removable bollards or other suitable barrier approved by the Zoning Division.

7. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property.
8. The site plan shall be revised so that the vehicle display area can meet minimum property development regulations. This display area shall be limited to the southern half of the property. The display of vehicles shall be limited to ten (10). This number shall be reduced, if necessary, in order to meet property development regulations.
9. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
10. 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.
11. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, 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.
12. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles and for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. There shall be no unloading of vehicles within the ultimate right-of-way of Westgate Avenue or other public thoroughfares.
13. No off-premise signs shall be permitted on site.
14. 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.

15. 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 \$697.00 (26 trips X \$26.79 per trip).
16. There shall be no parking of automobiles within adjacent road right of ways.
17. 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 (or prior to issuance of Building Permit for straight rezoning).
18. Since water service is available to the property, a water well shall not be approved for potable water use on the property.
19. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.

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

Carol A. Roberts	--	Absent
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 4th day of October, 1988 confirming action of September 30, 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