

RESOLUTION NO. R-88-1808

RESOLUTION APPROVING ZONING PETITION NO. 87-64
SPECIAL EXCEPTION PETITION OF HERBERT N. AND JACQUELINE PREZANT

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. 87-64 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 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. 87-64, the petition of HERBERT N. AND JACQUELINE PREZANT, 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, on a parcel of land lying on Lot 10 Grammes Homesites, Section 24, Township 44 South, Range 42 East as recorded in Plat Book 21, Pages 91, lessing therefrom the South 15.00 feet for road Right-of-Way, located on the north side of Tenth Avenue North, approximately .1 mile east of Military Trail (SR 809), 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. All parking satisfying code standards or a "Specialized Vehicular Use Area" may be established for the display space(s) on site.
2. Use of the site shall be limited to sales of used automobiles. No vehicle repairs, oil change, or maintenance of mechanical equipment of any kind shall take place on site. Use of the buildings second story shall be limited to storage.
3. There shall be no more than two (2) automobiles for sale displayed on this site. At no time shall cars be parked on this site anywhere other than in the parking spaces designated on the site plan.
4. At no time shall this site be utilized for parking by patrons or employees of the businesses of adjacent sites.
5. Security lighting shall be below intensity and directed away from adjacent properties and streets, shining only on the site.
6. No off-premises signs shall be allowed on site.
7. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
8. 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.
9. 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.
10. 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. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

11. The property owner shall convey for the ultimate right-of-way of 10th Avenue North, 55 feet from centerline within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
12. 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 \$2,143.00 (80 trips X \$26.79 per trip).
13. 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).
14. There shall be no parking and/or storage of autos within the right of way of 10th Avenue North.
15. Prior to site plan certification, petitioner shall present a survey bearing the seal of a Florida licensed land surveyor demonstrating that all physical encroachments have been removed from the site. Variance relief may be sought from the Board of Adjustment for an encroachment for the building overhang on the east.
16. Trees planted 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	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:



COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:



DEPUTY CLERK

