

RESOLUTION NO. R-89-438

RESOLUTION APPROVING ZONING PETITION NO. **88-33**
SPECIAL EXCEPTION PETITION OF HAROLD G. AND LINDA L. MURPHY

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. **88-33**, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1988; 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. **88-33**, the petition of HAROLD G. AND LINDA L. MURPHY, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED INDUSTRIAL DEVELOPMENT AND TO EXTINGUISH A SPECIAL EXCEPTION FOR A PUBLIC ENCLOSED AUTO AUCTION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. **83-169** on a parcel of land lying in:

PARCEL 1A:

The East 1/2 of Tract 70, Block 5, PALM BEACH **FARMS** COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 2A:

The East 1/2 of Tract 71, all lying North of the Right-of-way of State Road 80, Block 5, THE PALM BEACH **FARMS** COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Page 45, also described as PLAT BEACH **FARMS** COMPANY PLAT NO. 3, the North 26.33 feet to 40.72 feet of the east 1/2 of Tract 71, Block

5, Section 34, Township 43 South, Range 42 East, as same is recorded in Plat Book 2, Page 45.

PARCEL 1B:

The East 1/2 of Tract 51, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Page 45 to 54, inclusive.

LESS that part of Parcel 1A, 2A and 1B as conveyed to Palm Beach County by deed recorded in Official Record Book 4281, Page 719, more particularly described as follows:

A parcel of land for Road Right-of-way purposes, lying in Tracts 70 and 71 of Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 46; more particularly described as follows:

Commence at the intersection of the East line of said Tract 71 and the base line of survey for State Road 80, as shown on Road Book 2, page 11 through 18, (said base line being the approximate center-line of existing pavement); thence Northerly along the said East line of Tract 71, a distance of 50.05 feet to the POINT OF BEGINNING of the herein parcel to be described (said point being in the existing North Right-of-way line of State Road 80); thence continue Northerly along said East lines of said Tracts 70 and 71, a distance of 40.72 feet to the North line of said Tract 71; thence West along the North line of said Tract 71, thence west along the north line of said Tract 71 330.00 feet, more or less to the West line of the East 1/2 of said Tract 71; thence South along the West line of the East 1/2 of said Tract 71, a distance of 26.33 feet to the existing North Right-of-way line of State Road 80; thence along said North line of State Road 80, South 88 degrees 03' 08" East a distance of 330.32 feet, more or less to the POINT OF BEGINNING.

ALSO LESS:

Beginning at the Southeast corner of Tract 70, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, run thence the following number of courses:

1. North 0 degrees 33' West along the East line of said Tract 70, a distance of 99.38 feet, more or less to intersect a line parallel with and 220.00 feet North of (as measured at right angles to) the South line State Road 80; thence
2. Along said parallel line North 88 degrees 03' 08" West, a distance of 330.03 feet to intersect the West line of the East 1/2 of Tract 70; thence
3. South 0 degrees 33' East along West line 113.43 feet to the Southwest corner of the East 1/2 of said Tract 70; thence
4. North 89 degrees 27' East along the South line of said Tract 70, 330.00 feet more or less to the POINT OF BEGINNING.

ALSO LESS:

A parcel of land for Road Right-of-way purposes, being the North 15.00 feet of the East 1/2 of Tract 70 and the South 15.00 feet of the East 1/2 of Tract 51, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, located on the north side of Southern Boulevard (SR 80), approximately 300 feet east of Skees Road (70th Avenue North), in an IL-Light Industrial 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 transfer of ten (10) percent of the specialized vehicular use area landscaping to the perimeter of the site. This area shall be designated numerically in the tabular data and graphically.
 - b. Fifteen (15) foot landscape strip along the southern property line, meeting the requirements of the Landscape Code, Section 500.35.E.3
 - c. Remove the reference to "future development" shown on the site plan for the northern portion of the site.
 - d. Indicate paving and striping along the northern portion of the site, or petition for variance relief from the Board of Adjustment.
 - e. Provision of a six (6) foot high solid wooden fence around the perimeter of all storage areas.
2. No off-premise signs shall be permitted on the site.
3. The petitioner shall eliminate twenty-four (24) parking spaces located adjacent to the southern property line and relocate and label the five (5) display spaces for auto sales on site and install landscaping as required by Condition No. 1.b.
4. The site shall be limited to a maximum of five (5) display spaces.
5. The use of the site shall be limited to auto towing, with ancillary office, auto storage, auto body mechanical repair, sale of repossessed automobiles limited to a maximum of five (5) outdoor sales display spaces.
6. A Unity of Title shall be executed covering the entire site. Two (2) copies of properly executed Unity of Title documents shall be submitted to the Zoning Division simultaneously with Site Plan Review Committee application.

7. 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.
8. Outside storage of disassembled vehicles shall be limited to a designated area located interior to the site. There shall be no outdoor storage of disassembled vehicle parts on site.
9. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be permitted in landscaped areas, right-of-way, or interior drives.
10. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and street, shining only on the subject site.
11. There shall be no on premises signs indicating existence of used automobiles sales.
12. The petitioner shall provide an area on the site to unload vehicles from car carriers or towing vehicles. Sufficient maneuvering area shall be provided and shall be located out of on-site and off-site vehicular traffic circulation. This area shall be designated on the site plan.
13. 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.
14. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
15. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the north right-of-way of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the

Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Distances" where appropriate at intersections as determined by the County Engineer.

16. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" **is** it presently exists or as it may from time to **time** be amended. The Fair Share Fee for this project shall be determined by the County Engineer.
17. 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.
18. Since sewer service is available to the property, septic tank shall not be approved for use **or** the property.
19. Because water service is available to the property, a well shall not be approved for potable water use.
20. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Susan Kelly*
COUNTY ATTORNEY

BY: *Lina M. Blair*
DEPUTY CLERK

