

RESOLUTION NO. R-89- 591

RESOLUTION APPROVING ZONING PETITION NO. 88-6
SPECIAL EXCEPTION PETITION OF ROCCO AND MARIA ROMANELLI
AND ROSA TERRANOVA

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. 88-6 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 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. 88-6 the petition of ROCCO AND MARIA ROMANELLI AND ROSA TERRANOVA, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (TIRE STORE AND QUICK OIL CHANGE FACILITY) on a parcel of land lying in Lot 52, Florida Gardens Plat No. 3 U/R S/D being the South 300.00 feet of the North 330.00 feet of the West 100.00 feet of the East 110.00 feet of said Tract 10, Block 29, The Palm Beach Farms Company Plat No. 3, in Section 28, Township 44 South, Range 42 East, as recorded in Plat Book 2, Page 48, located on the south side of Lake Worth Road (S.R. 802), approximately 350.00 feet west of Ohio Road, bounded on the south by Springdale

Road, in a IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall provide a turn-around space next to the loading berth for cars utilizing the rear of the site. This space shall be designated with signage indicating "No Parking".
2. The existing mature slash pines within the southern portion of the property shall be preserved and incorporated into interior landscape islands and strips. Petitioner may submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee. The submittal will allow staff to modify the spacing of interior landscape islands in order to preserve more slash pines.
3. Outdoor lighting used to illuminate the premises shall be shielded, low intensity, and directed away from adjacent properties and streets, shining only on subject site.
4. No off-premise signs shall be permitted on site.
5. Prior to site plan certification, petitioner shall submit confirmation from the appropriate agencies to allow landscaping over the 20 foot drainage easement along the eastern property line.
6. Prior to site plan certification, the petitioner shall obtain the necessary documentation in order to develop within the forty (40) foot L.W.D.D. Canal L-12 right-of-way.
7. No access to the site shall be permitted from Springdale Road.
8. There shall be no dumpster pick-up between the hours of 8:00 P.M. and 7:00 A.M.
9. The dumpsters shall be located north of the one story office building, a minimum of forty (40) feet from the western property line, and shall be screened with a six (6) foot fence or wall and landscaping.
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.

11. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Springdale Road, 30 feet from centerline 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.
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 \$8,171.00 (305 trips X \$26.79 per trip).
13. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
14. Because water service is available to the property, a well shall not be approved for potable water use.
15. The petitioner shall redesign the building footprint in order to incorporate existing vegetation into the project design.
16. Prior to site plan certification, the property owner shall provide the property owner to the west with a cross-access agreement.
17. The petitioner shall install a six (6) foot solid wooden fence along the eastern and southern property lines.

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Altman*
COUNTY ATTORNEY

BY: *Jina M. Blad*
DEPUTY CLERK

