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NOV 13 1991
CITY OF PALM BEACH

RESOLUTION NO. R-89-707

RESOLUTION APPROVING ZONING PETITION NO. 88-85
SPECIAL EXCEPTION PETITION OF
N. KENT WILMERING, TRUSTEE

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. 88-85 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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 make 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. 88-85 the petition of N. KENT WILMERING, TRUSTEE, by Kieran J. Kilday, Agent, ~~For a~~ SPECIAL EXCEPTION TO PERMIT A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS (AUTO RENTAL FACILITY). IF APPROVED, THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-55, on a parcel of land beginning at Lots 1 through 6, inclusive, Block 4, Palm Acorn Estates in Section 5, Township 44 South, Range 43 East, as recorded in Plat Book 20, Page 5., being located on the southeast corner of the intersection of Congress Avenue (SR 007) and Alabama Street, in a CC-Conorol Commercial Zoning District, was approved as advertised, subject to the following conditions:

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1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Designation of Specialized Vehicular Use Area for bullpen parking;
 - b. Separation of Specialized Vehicular Use Area in some way to keep out customers;
 - c. Transfer of landscaping square footage to perimeter as provided in Section 500.35;
 - d. Labeling of the customer and display parking spaces;
 - e. Revised landscape tabular data indicating the required 10 percent native tree planting requirements; and
 - f. Delineation of the Specialized Vehicular Use area through the use of a physical barrier, such as removable bollards, wheel stops, chains, or other such barrier approved by the Zoning Division.
2. The petitioner shall verify legal clearing of vegetation from this site by submitting a valid vegetation removal receipt.
3. There shall be no more than 36 cars displayed on this site at any time. At no time shall cars be parked on this site anywhere other than in parking spaces designated on the site plan.
4. Use of this site shall be limited to sales and leasing of cars and trucks. No vehicle repairs, oil change or maintenance of mechanical equipment of vehicles shall be allowed on site.
5. The required trees along the eastern property line shall be upgraded to ten (10) to twelve (12) feet and planted twenty (20) feet on center.
6. Security lighting used to illuminate the premises shall be low intensity, shield and directed away from adjacent properties and streets, shining only on the site.
7. No off-premises signs shall be allowed on site.
8. No outdoor storage of disassembled vehicles or parts thereof shall be permitted on site.
9. No vehicle shall be parked with its hood or trunk open,

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nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way, landscaped areas or driveways.

10. 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 may be permitted by the Sign Code.
11. No loudspeaker system shall be permitted on site.
12. 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).
13. ERM must inspect and approve tank excavation procedures. Backfilling will be contingent upon ERM approval of excavation operations.
14. Storage system must be designed, constructed and operated according to all F.A.C. Chapter 17-61 and RCRA Subtitle I requirements. Plans must be submitted to, and approved by, ERM.
15. Written or verbal notification shall be provided to ERM at least 48 hours prior to tank installation.
16. If construction dewatering is anticipated, petitioner shall determine if known or potential sources of groundwater contamination exist in the area calculated to be affected by the dewatering project. If it is determined that known or potential sources exist or are suspected, a detailed plan describing the dewatering project shall be submitted to ERM. Appropriate measures must be included to prevent the withdrawal and discharge of contaminated groundwater. ERM approval shall be obtained prior to project initiation.
17. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the permit Section, Land Development Division. In the

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event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

18. The developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
19. 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 Congress Avenue, 53 foot from centerline free of all encumbrances, and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
20. 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 53215 (120 trips X \$26.79 per trip).
21. 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. Violation of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Watt 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	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Pauline Altman
COUNTY ATTORNEY

BY: James J. Hardy
DEPUTY CLERK

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