

RESOLUTION NO. R- 89-1043

RESOLUTION APPROVING ZONING PETITION NO. 88-88
SPECIAL EXCEPTION PETITION OF DKBERT ASSOCIATES

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. 88-88 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 26, 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. 88-88 the petition of DKBERT ASSOCIATES, by Joseph S. Rodi, Agent, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL, NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS (FOR AUTO LEASING FACILITY), (THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, MOTORCYCLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS, INCLUDING A CAR WASH AND GASOLINE PUMP ISLAND FACILITIES PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-101; AND AN AUTOMOBILE RENTAL FACILITY AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 83-61) on a parcel of land lying on a strip of land, being 50 feet in width, lying in the Southwest 1/4 of Section 29, Township 43 South, Range 43 East, said strip of land being more particularly described as follows:

Commencing at the Southwesterly corner of the Plat of Belvedere Heights, as recorded in Plat Book 24, Page 163,; thence South 01 degree 55' 46" West, along the Southerly prolongation of the West line of said Plat, a distance of 0.79 feet for a Point of

Beginning; thence continue South 01 degree 55' 46" West, along said line, a distance of 660.01 feet to the North Right-of-way line of Belvedere Road; thence North 88 degrees 26' 57" West, along said Right-of-way line and along a line parallel with and 66 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29, a distance of 50.00 feet; thence North 01 degree 55' 46" East, a distance of 660.01 feet; thence South 88 degrees 26' 57" East, along a line parallel with and 726.00 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29, a distance of 50.00 feet to the Point of Beginning. Together with all of that certain plot or parcel of land in Section 29, Township 43 South, Range 43 East, and more particularly described as follows:

Beginning at a point 1025 feet East of the West line and 726 feet North of the South line of said Section; thence South 42 degrees East to a point in the North Right-of-way line of Belvedere Road, 1650 feet to the West line and 66 feet North of the South line of the said Section; thence East along the North line of said Belvedere Road 280 feet; thence North at right angle or nearly so to Belvedere Road 660 feet and thence Westerly parallel or nearly so to said North line of Belvedere Road 909.58 feet to the Point or Place of Beginning, being located on the north side of Belvedere Road, approximately .4 mile east of Congress Avenue, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Zoning Resolution No. R-83-1073 (Petition No. 83-61, Special Exception To Allow An Automobile Rental Facility) and Zoning Resolution No. R-83-110 (Petition No. 82-101, Special Exception To Allow A Commercial New And Used Automobile, Truck, Motorcycle Sales, Rental And Repair Facilities And Lots, Including Car Wash And Gasoline Pump Island Facilities) are hereby repealed in their entirety.
2. There shall be no direct access from Belvedere Road to Parcel 2. Access shall be provided by internal roads through Parcel 1.
3. No off-premise signs shall be permitted on site.
4. Site lighting shall be low intensity, shielded from neighboring properties and shall not exceed fifteen (15) feet in height.
5. Prior to Site Plan certification, the developer shall record a Unity of Title on the subject property.
6. No stock loading or dumpster loading will be permitted between the hours of 9:00 p.m. and 7:00 a.m.
7. No advertising flags, foreign flags, pennants, banners, streamers, balloons, 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.

8. Use of this site shall be limited to: 1] the rental and leasing of cars and trucks; 2] automobile parking (SIC Code 7521); and customary accessory land uses, including vehicle maintenance and sales.
9. 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 minimize off-site noise impacts. These areas shall not be located closer than 100 feet from any residentially zoned lot and shall be appropriately designated, marked and signed.
10. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way, or interior drives.
11. No outdoor loudspeaker system shall be permitted on the site.
12. Outside storage of vehicles or parts shall be restricted to the maintenance area as shown on Exhibit No. 3 and shall be visually shielded from adjacent properties.
13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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 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.
16. Access to the subject site shall be limited to; (1) a maximum thirty (30) foot entrance way; and (2) a fifteen (15) foot exitway. The entrance and exit accessway shall be separated with a minimum ten (10)

foot wide median. The median shall be designed subject to the approval of the County Engineer. The median shall be landscaped at a minimum according to Section 500.35 .E (Interior Landscape) of the Zoning Code respective of all safe sight distances.

17. Significant native vegetation shall be incorporated into the site plan where possible.
18. AS a consumer service entity, retail uses shall be prohibited.
19. The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
20. The developer shall take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
21. Prior to the issuance of a Certificate of Occupancy:
 - a. The developer shall close the existing median opening on Belvedere Road located 150 feet west of the east entrance to the CoTran facility: and
 - b. Construct a left turn lane west approach on Belvedere Road at the project's west entrance per County Engineer's approval.
22. This development must retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
23. The property owner shall convey to Palm Beach County within ninety (90) days of approval 54 feet from the centerline for the ultimate right-of-way for Belvedere Road, approximately an additional one (1) foot of right-of-way.
24. The petitioner shall install a 36 inch high ficus hedge along the entire southern boundary of the lake located within the northern portion of the site. The hedge shall be maintained at a maximum height of eight (8) feet.
25. The property owner shall extend the existing traffic separator on Belvedere Road East, a distance of 40 plus feet and extend the proposed traffic separator within the entrance/exit south to the Right of Way on Belvedere Road. All signage and striping and construction shall be subject to approval by the County Engineer.
26. 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.

Commissioner Watt 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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 26, 1988.

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