

RESOLUTION NO. R-89-1254

RESOLUTION APPROVING ZONING PETITION NO. 89-7  
SPECIAL EXCEPTION PETITION OF DOUGLAS G. HOWELL, JR., 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. 89-7 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 9, 1989; 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. 89-7 the petition of DOUGLAS G. HOWELL, JR., TRUSTEE, by Donaldson E. Hearing, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) on a parcel of land lying on Lot 16, of Cinquez Park, Plat Book 20, Page 81, in Section 3, Township 41 South, Range 42 East, less and except the following: Commence at the Northwest corner of said Lot 16, thence, South 01 degrees 05' 53" West along the West line of said Lot 16, a distance of 115.27 feet to the Point of Beginning; thence, continue South 01 degrees 05' 53" West, a distance of 27.70 feet to the Southwest corner of said Lot 16; thence, North 88 degrees 23' 56" East, a distance of 50.02 feet to the Southeast corner of said Lot 16; thence, North 01 degrees 06' 41" East along the East line of said Lot 16, a distance of 27.01 feet; thence, South 89 degrees 12' 15" West, a distance of 49.99 feet to the Point of Beginning; and also less the existing Right-of-way for State Road 706 subject to restrictive covenants, conditions, stipulations, easements, regulations and imitations of record; Lots 17, 18 and 19 of Cinquez Park, Plat Book 20, Page 81, less the following described parcels for Right-of-way; Parcel No. 104: That part of Lots 17 and 18, Cinquez Park, Plat Book 20, Page 81,

more particularly described as follows: Commence at the Northwest corner of said Lot 17; thence, South 01 degrees 05' 18" West along the West line of said Lot 17, a distance of 115.97 feet to the Point of Beginning; thence, continue South 01 degrees 05' 41" West, a distance of 27.01 feet to the Southwest corner of said Lot 17; thence, North 88 degrees 23' 56" East, a distance of 100.05 feet to the Southeast corner of said Lot 18; thence, North 01 degrees 06' 18" East, a distance of 25.59 feet; thence, South 89 degrees 12' 15" West, a distance of 99.99 feet to the Point of Beginning, less and excepting the existing Right-of-way for State Road 706; Parcel No. 107: That part of Lot 19, Cinquez Park, Plat Book 20, Page 81, more particularly described as follows: Commence at the Northwest corner of said Lot 19; thence, South 01 degrees 05' 18" West along the West line of said Lot 19, a distance of 117.38 feet to the Point of Beginning; thence, continue South 01 degrees 05' 18" West, a distance of 25.59 feet, the Southwest corner of said Lot 19; thence, North 88 degrees 23' 56" East, a distance of 50.02 feet to the Southeast corner of said Lot 19; thence, North 01 degrees 05' 07" East, a distance of 49.15 feet; thence, South 45 degrees 08' 41" West, a distance of 35.00 feet; thence, South 89 degrees 12' 15" West, a distance of 25.64 feet to the Point of Beginning, less and except the existing Right-of-way for State Road 706, being located approximately .15 mile east of Central Boulevard on the north side of Indiantown Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Additional landscaping shall be installed, supplementing Alternative Landscape Strip No. 1, adjacent to residential districts, with a minimum of twelve (12) foot high native canopy trees planted twenty (20) feet on center.
2. Landscaping along Indiantown Road shall be upgraded to include:
  - a. A continuous hedge planted a minimum of thirty-six (36) inches high, twenty-four (24) inches on-center and one ten (10) foot native canopy tree equivalent to thirty (30) lineal feet on center.
3. **Auto** repairs requiring mechanical operations beyond the changing of automotive fluids and minor mechanical repairs limited to those not requiring the use of power equipment, torches, grinders, or other large noise producing equipment shall be restricted to service bays in the west half of the auto service center and shall be separated from the east half by the office facility.
4. Additional landscaping shall also be incorporated within the north-west half of the site which includes:
  - a. The required six (6) foot high wall along the entire portion of the site shall be set back five (5) feet from the north property line. The required landscape shall be installed on the north side of this wall, including palm trees and other native plant material, in a layering effect, to

provide an adequate visual and noise buffer. Six (6) native palms and four (4) ten to twelve foot high native canopy trees and a thirty-six (36) inch high hedge shall be planted within this area.

5. There shall be no outside storage of disassembled vehicles or parts thereof.
6. No retail sales shall be permitted except those associated with the repair facility.
7. All outdoor site lighting used to illuminate the premises shall be shielded, low intensity and directed away from adjacent residentially zoned property and right-of-way.
8. Hours of operation shall be limited to 7:30 a.m. to 7:30 p.m., with no major repairs commencing prior to 8:00 a.m., nor extending past 6:00 p.m.
9. No off-premise sign shall be permitted on site.
10. Parking of vehicles shall be limited to the designated parking spaces. Vehicles shall not be parked in landscaped areas, interior drives or rights-of-way.
11. 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.
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. An affidavit for notification of Wellfield Protection Ordinance restrictions shall be executed prior to site plan certification. An analysis of development plans shall also be conducted by the petitioner indicating:
  - a. Locations and types of business proposed;
  - b. Wellfield Zones; and,
  - c. Measures to be utilized to comply with Wellfield Protection Ordinances.

There is the potential for restricted materials to be stored onsite including petroleum products and solvents. An Affidavit of Notification shall be executed and the petitioner shall perform all necessary preventative measures to reduce the chances of

contamination of the wellfield. Double walled tanks and piping shall be included as part of those measures.

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. 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.
17. The petitioner 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.
18. Property owner shall construct Palm Road from Indiantown Road north to the north property line concurrent with onsite paving and drainage improvements. This work shall be completed prior to the issuance of a Certificate of Occupancy. Construction shall be to local street standards, minimum 2-10 foot travel lanes.
19. The graphics presented at the public hearings shall be submitted simultaneously with application for site plan certification for inclusion into the petition file.
20. At a minimum, the site will be landscaped as represented by these graphics and in compliance with all conditions.
21. There shall be no openings on the north side of the building where the westernmost five (5) service bays are located.
22. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
23. The petitioner shall install a concrete sidewalk the entire length of the property on Palm Road.

24. The project signage shall be limited to one (1) free standing sign on the property which shall be limited to a maximum height **of** ten (10) feet.
25. No temporary, A-frame, portable, paper, cloth, or plastic streamers, banners, or any type of additional off-premise signs shall be permitted on any portion of the property.
26. Prior to site plan review application, the petitioner shall submit a Landscape Betterment Plan to be approved by the City of Jupiter and Palm Beach County. This plan shall conform to the intent of the City's and the County's landscape requirements and the City's corridor study.
27. Failure to comply with any conditions **of** approval 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 Howard moved for approval of the petition. The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as **follows**:

Carol J. Elmquist, Chair	-- Absent
Ron Howard	-- Aye
Karen T. Marcus	-- Aye
Carole Phillips	-- Aye
Carol Roberts	-- Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 9, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

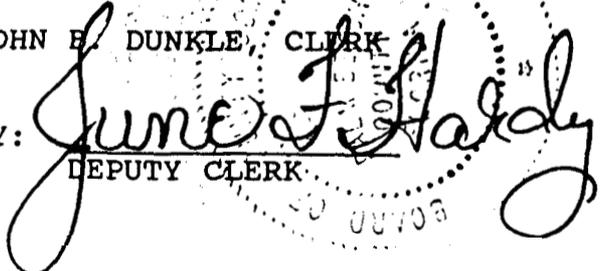
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS \*

JOHN E. DUNKLE, CLERK

BY:

  
DEPUTY CLERK