

RESOLUTION NO. R-89- 1635

RESOLUTION APPROVING ZONING PETITION NO. 87-6(A)
SPECIAL EXCEPTION PETITION OF ROBERT CUILLO

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 have been satisfied; and

WHEREAS, Petition No. 87-6(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-6(A) the petition of ROBERT CUILLO, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITY AND LOTS TO INCREASE LAND AREA (PETITION NO. 87-6) on a parcel of land lying in Section 30, Township 43 South, Range 43 East, on Block A, less the North 382.00 feet and less the South 55.00 feet, Westgate Estates, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 8, page 38. Parcel 1: Lots 1 through 8, inclusive, Block A of the amended Plat of Blocks 1, 2, 3, 4, 5, and 6 and the northern part of Block A, West Gate Estates, according to the Plat thereof as recorded in Plat Book 9, page 20; Together with that part of the North 232.00 feet of Block A, West Gate Estates, according to the Plat thereof, as recorded in Plat Book 8, page 38, of said public records lying south of said Lots 1 through 8 inclusive; Together with all improvements thereon: Parcel 2: The South 150.00 feet of the North 382.00 feet of Block A, West Gate Estates, according to the Plat thereof as recorded in Plat book 8, page 38: Parcel 3: Lots 1 and 2 of Meerdink's Little Ranches, according to the Plat thereof, as recorded in Plat Book 4, page 50; Together with

property described as Lateral No. 1, bound on the North by the South right-of-way line of Okeechobee Road, and on the East by the West right-of-way line of Congress Avenue, and on the South by the North line of Lots 1 and 2, Meerdink's Little Ranches, and on the West by the line which is the Northerly extension of the West line of Lot 2, Meerdink's Little Ranches; Less and except that real property described in Special Warranty Deed recorded in Office Records Book 1701, page 410; Parcel 4: Lot 3, Less the East 15.00 feet thereof, of Meerdink's Little Ranches, according to the Plat thereof, as recorded in Plat Book 4, page 50; Parcel 5: The North 232.80 feet of the Lake Worth Drainage District E-3 1/2 right-of-way lying in Section 30, Township 43 South, Range 43 East as recorded in Plat Book 15, page 16; Being more particularly described as follows: All that portion of the said Lake Worth Drainage District E-3 1/2 (30.00 feet wide) right-of-way lying North of the South property line of Lot 3, Meerdink's Little Ranches and South of the North property line of Lots 1 and 2 of Meerdink's Little Ranches, according to the Plat thereof, as recorded in Plat Book 4, page 50, excepting the South 20.00 feet of the aforescribed portion of said right-of-way, being located on the southwest corner of the intersection of Okeechobee Boulevard (SR 704) and Congress Avenue (SR 807) in a CG-General Commercial Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate:
 - a. the required ten (10) foot landscape strip along Suwanee Dr., and planting ten (10) foot high native canopy trees twenty (20) feet on center and a thirty-six (36) inch high hedge planted a maximum of twenty-four (24) inches on center; and,
 - b. The implementation of Alternative Landscape No. 3 along the south property line abutting residential areas. The ten (10) foot landscape strip shall consist of a six (6) high concrete block and stucco wall and ten (10) foot high native canopy trees planted twenty (20) feet on center.
3. No banners, flags, balloons, snipe signs, etc., shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.
4. The parking of vehicles shall be limited to designated display areas only. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.
5. Vehicles displayed on site shall not be displayed elevated above ground level or with open hoods or trunks excepting the existing second story display space.
6. No off premise signs shall be permitted on site.
7. The southern .84 acre parcel shall be used exclusively for the storage of inventory.

- a. Loading shall be limited to designated areas within the interior of the site.
9. 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.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
13. 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.
14. 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.
15. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide runoff from those segments of Suwanee Drive along the property frontage. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management.
16. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.

- ✓17. The property owner shall pipe the existing drainage ditch along the project's east property line concurrent with onsite paving and drainage improvements.
- 18. 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 Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

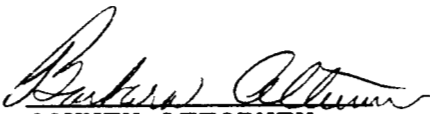
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|--------------------------|----|-----|
| Carol J. Elmquist, Chair | -- | AYE |
| Ron Howard | -- | AYE |
| Karen T. Marcus | -- | AYE |
| Carole Phillips | -- | AYE |
| Carol Roberts | -- | AYE |


The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

