

RESOLUTION NO. R-89-1647

RESOLUTION APPROVING ZONING PETITION NO. 89-36
SPECIAL EXCEPTION PETITION OF EUGENE AND JEAN DEMAR AND
JOHN B. AND JOSEPHINE GRECO

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. 89-36 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 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. 89-36 the petition **of** EUGENE AND JEAN **DEMAR** AND JOHN B. AND JOSEPHINE GRECO, by Pat Dellavecchia, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) AN OFFICE/WAREHOUSE COMBINATION, INCLUDING (2) AN AUTO PAINT AND BODY SHOP on a parcel **of** land lying in Section 04, Township 46 South, Range 43 East, on Tract 46, Trade Winds Estates, Plat **Book 21, Page 73,** and the following tract: Commencing at the Southeast corner **of** Tract 47, as shown **on** the Plat of Trade Winds Estates, run northerly along the East line of said Tract 47, a distance of 15.00 feet to the Point of Beginning: thence run easterly parallel to the North line of Tract 51 **of** said Trade Winds Estates, a distance **of** 100.00 feet, to a point; thence run southerly, parallel to the East line of said Tract 47, a distance of 15.00 feet, a point in the North line **of** said Tract 51; thence run easterly along the North line **of** said Tract 51, a distance of 186.77 feet to a point: thence run northerly, at an angle of 107 degrees 37' (turned from West to North) with the North line of the said Tract 51, a distance **of** 200.00 feet to a point, thence run Westerly, parallel with the North line **of** said Tract 51, a distance **of** 318.39 feet to the Northeast corner of Tract 46 of Trade Winds Estates; thence run southerly a distance of 177.70 feet to the Point **of** Beginning, being located on the east side

of Old Dixie Highway, approximately .2 mile south of Miller Road, in the CG-General Commercial Zoning District, was approved on May 26, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the **site plan** shall be amended to indicate the following:
 - a. Additional landscape buffering along the south property line consisting of Landscape Alternative No. 3 and the planting of an alternating double row of twelve (12) foot high native canopy trees; and a six (6) foot solid fence installed on the southern property **line** where the property abuts the mobile home park;
 - b. Transfer of the deficient 300 square feet of required landscape strip separating the vehicular use area (.8 feet x 375 linear feet) abutting the north and south property lines to the landscape strip along Old Dixie Highway or in the area adjacent to the west existing building; and,
 - c. The required ten (10) foot landscape strip along Old Dixie Highway.
2. The petitioner shall redesign the west intersection to provide a right angle approach, and designate the area, with adequate queuing, as one-way circulation in a westerly direction.
3. Prior to the issuance of a paving and drainage permit, the petitioner shall relocate the mobile homes that encroach on the southern portion of the site.
4. No outside storage of materials, or disassembled vehicles, shall be allowed on site.
5. Dumpster and trash receptacles shall be screened from view from adjacent lots and streets.
6. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets, shining only on the subject site.
7. No exterior loud speakers or paging equipment shall be permitted on the site.
8. No off-premise signs shall be permitted on site.
9. There shall be permitted no openings in the southern wall of the auto paint and body shop.
10. All australian pine shall be maintained as a hedge no greater than twelve (12) feet in height. All other prohibited species shall be removed from site.
11. Proposed and required site modifications shall take place within ninety (90) days of Site Plan Review Committee certification.
12. Simultaneously with Site Plan Review Committee submittal, the petitioner shall submit a copy of a

recorded Unity of Title to be approved by the County Attorney prior to site plan certification.

13. 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.
14. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
15. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
16. 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.
17. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
18. There is a potential for restricted materials to be stored onsite including petroleum products and solvents. An Affidavit of Notification must be executed prior to site plan certification 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.
19. 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.
20. 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.
21. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Old Dixie Highway, 80 feet east of the existing west right-of-way line of Old Dixie Highway

free of all encumbrances and encroachments. Property owner 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.

22. 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. The Fair Share Fee for this project presently is \$1,688.00 (63 trips X \$26.79 per trip).
23. Parking and storage of vehicles shall take place in designated parking areas only.
24. No repair of vehicles shall take place outside of the confines of the auto body shop.
25. No loud speaker or public address system shall be permitted on site.
26. 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:

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

