

RESOLUTION NO. R- 90-354

RESOLUTION APPROVING ZONING PETITION NO. 89-72
SPECIAL EXCEPTION PETITION OF VICTOR GUIDICE

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. 89-72 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 89-72, the petition of VICTOR GUIDICE by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT AN AUTO PAINT AND BODY SHOP, on a parcel of land known as Lots 1, 2 and 3, Block 4, Greenacres Plat No.1, Plat Book 12, Page 72, subject to the Right-of-way of S.R. 802, Lake Worth Road (Lucerne Ave.), lying in Section 25, Township 44 South, Range 42 East, being located on the southwest corner of the intersection of Lake Worth Road (SR 802) and Price Street, in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on October 2, 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. The ten (10) foot landscape strip along Price Street and the eastern sixty-five (65) feet of the fifteen (15) foot landscape strip along Lake Worth Road shall be supplemented with six (6) foot high hedge and berm combination and twelve (12) foot high native canopy trees planted twenty (20) feet on center;

- b. Alternative Landscape Strip No. 1 shall be installed along the south property line and upgraded with twelve (12) foot canopy trees, planted twenty (20) feet on center;
 - c. Designation of a minimum of two (2) employee parking spaces, a minimum of three (3) customer parking spaces; and
 - d. A six foot masonry wall shall be constructed along the west property line, supplemented with six (6) foot high native canopy trees planted twenty (20) feet on center.
2. There shall be no outdoor storage of debris, equipment, or material on the site.
 3. Vehicle parking shall be limited to the parking spaces designated on the approve site plan. No parking of vehicles shall be permitted in landscape areas, rights-of-way or interior drives.
 4. There shall be no outside storage of disassembled or inoperative vehicles, or parts thereof, on site.
 5. There shall be no outdoor repair of vehicles.
 6. No outdoor loudspeaker system shall be permitted on site.
 7. off premise signs shall not be permitted on site.
 8. 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.
 9. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 11. 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.
 12. 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.
 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. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lake Worth Road, 60 feet from centerline 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.
16. The Property owner shall repave (overlay with a minimum one (1) inch lift of asphalt) Price Street from Lake Worth Road South to the project's South property line concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
17. Use of the site shall be limited to automobile restoration and incidental sales only. There shall be no mechanical repairs permitted on site of engines and transmissions.
18. Hours of operation, for actual restoration of the vehicles, shall be limited to Monday through Friday, 8:30 a.m. to 6:00 p.m.
19. No opening shall be permitted on the southern and western sides of the southernmost building.
20. All signage shall comply with the Palm Beach County sign code Ordinance 72-23. and shall indicate principle use only. Specifically, no snipe signs, banners, balloons or other prohibited type of advertisement shall be permitted on site.
21. The walls of the southernmost building shall be soundproofed.
22. 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
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990

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

