

RESOLUTION NO. R- 90-359

RESOLUTION APPROVING ZONING PETITION NO. 89-92
SPECIAL EXCEPTION PETITION OF ELSA RIVERS

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. 89-92 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. 89-92, the petition of ELSA RIVERS, by Howard Dardashti, Agent, for a SPECIAL EXCEPTION FOR (1) A PLANNED COMMERCIAL DEVELOPMENT, TO INCLUDE (2) AN AUTO SERVICE STATION (MAJOR REPAIRS - AUTO CLINIC), on a parcel of land being the East 100.00 feet of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 (less right of ways for Lake Worth Road) Section 24, Township 44 South, Range 42 East, being located on the north side of Lake Worth Road (SR 802), approximately 150 feet east of Haverhill Road 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 Review Committee Submittal, the 'site plan shall be amended to satisfy all minimum property development regulation and land development requirements.
2. The proposed two (2) one story buildings shall meet the fifteen (15) foot side interior setback, or obtain variance relief from the Board of Adjustment.
3. The Planned Commercial Development shall be limited to:

- a. 13,984 square feet of auto repair; and,
 - b. 2,000 square feet of accessory retail.
4. The petitioner shall provide Alternative Perimeter Landscape No. 3 along the north and west property line. The ten (10) foot wide landscape strip shall be upgraded with twelve (12) foot high native canopy trees, planted twenty-five (25) feet on center.
 5. The five (5) foot wide landscape strip along the south and east property line shall be supplemented with a continuous thirty-six (36) inch high hedge.
 6. No outdoor loudspeaker system shall be permitted on site.
 7. No outside storage of disassembled or inoperative vehicles or parts thereof on site.
 8. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the site.
 9. Outdoor lighting use to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.
 10. Off premise signs shall not be permitted on site.
 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 except for irrigation purposes.
 14. 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.
 15. 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 except for irrigation purposes.
 16. 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.

17. 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.
18. The property owner 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.
19. In addition the Developer shall contribute the amount of \$3,684.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$3,684.00 shall be paid prior to the issuance of the first Building Permit.
20. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,684.00 shall be credited toward the increased Fair Share Fee.
21. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 8,000 square feet of building area shall not be issued until construction has begun for Lake Worth Road as a 6 lane section from Military Trail to Haverhill Road plus the appropriate paved tapers.
22. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
23. No disassembled vehicles shall be permitted to be parked or stored on site.
24. The petitioner shall voluntarily annex unto the City of Greenacres after receiving a Certificate of Occupancy for both approved buildings.
25. The site plan shall be redesigned to provide a twenty-five foot landscaped buffer along the northern property lane. This buffer shall be landscaped to include twelve (12) foot native canopy trees twenty (20) feet on center.
26. Prior to site plan approval the site plan shall be revised to comply with the requirements of the City of Greenacres Zoning Code which are not in direct conflict with Palm Beach County codes and **Do** not require substantial redesign of the site.

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 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

