

RESOLUTION NO. R-90- 522

RESOLUTION APPROVING ZONING PETITION NO. 87-103(B)  
SPECIAL EXCEPTION PETITION OF ADAMHILL FINANCIAL CORPORATION

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. 87-103(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 87-103(B) the petition of ADAMHILL FINANCIAL CORPORATION, by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS (NEW AND USED AUTO SALES), WHICH EXTINGUISHES THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN AUTO SERVICE STATION (PETITION 87-103(A)) on a parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of the Southwest Quarter 1/4 of Section 1, Township 46 South, Range 42 East, Palm Beach County, Florida less the South 170.29 feet thereof; also less the West 60.00 feet for road right of way and less the North 60.00 feet for Lake Worth drainage District Canal L-29, being located on the east side of Military Trail (SR 809), approximately .1 mile north of Coconut Lane, in a CG-General Commercial Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee, the site plan shall be revised to reflect the use of Alternative Landscape Strip No. 3 along the north and east property lines.

2. All signage shall be in conformance with Palm Beach County Sign Code requirements. **No** snipe signs, banners, balloons, etc., shall be permitted on site.
3. Point of Purchase signage shall be limited to two signs, a maximum of two-hundred (200) square feet in area and fifteen (15) feet in height.
4. The petitioner shall provide a five (5) foot parapet wall around all above grade parking facilities,
5. The site plan shall be revised to reflect the areas of preservation as identified in the vegetation protection application.
6. **NO** outdoor loudspeaker system shall be permitted **on** site.
7. The petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation, and shall not be adjacent to residentially zoned lots. The unloading area shall be located a minimum **of** one hundred feet from any residentially zoned property.
8. **No** vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway,
9. **No** advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, **or** similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.
10. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, or oriented toward any adjacent public street, unless it can be demonstrated to the Site Plan Review Committee that it is not feasible to comply.
11. Use of the site shall be limited to the commercial sales, leasing and repair of new or used automobile and customary accessory uses.
12. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.

13. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
14. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
15. Generation and/or 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.
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 10-D-6 F.A.C.
18. 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.
19. 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.
20. Prior to August 1, 1989, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 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.

21. The Property owner shall fund the construction of a left turn lane, north approach on Military Trail at the project's entrance road concurrent with onsite paving and drainage improvements. Funding shall be completed prior to the issuance of the Building Permit.
22. 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. The Fair Share Fee for this project presently is **\$57,303.00** (2,139 trips x **\$26.79** per trip).
23. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a. **No** Building Permits shall be issued until construction has begun for Military Trail as a **6** lane section from Via Flora to Steiner Road plus the appropriate paved tapers.
24. 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.
25. Prior to Site Plan certification the developer shall relocate the proposed entrance, subject to approval by the County Engineer and Zoning Division. When the entrance is relocated, the parking lot **area** shall be redesigned to provide an ingress/egress access area that doesn't interfere with backup maneuvering area of the parking stalls.
26. **No** off-premise signs shall be permitted on the site.
27. The fifteen (**15**) foot landscape strip along Military Trail shall be upgraded to include twelve (**12**) foot native canopy trees, twenty (**20**) feet on center.
28. **No** test driving of vehicles shall be permitted on surrounding local streets.
29. Prior to Site Plan Review Committee approval, the applicant shall submit a report detailing to the satisfaction of **ERM** the presence of on site hazardous materials in soil and ground water.
30. 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 Phillips moved for approval of the Resolution.

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

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

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Andrew Altman*  
COUNTY ATTORNEY

BY: *Jina M. Blair*  
DEPUTY CLERK

