

RESOLUTION NO. R-90-582

RESOLUTION APPROVING ZONING PETITION NO. 89-110
SPECIAL EXCEPTION PETITION OF RONALD P. GODFREY

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. 89-110 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 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. 89-110, the petition of RONALD P. GODFREY, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (MAJOR REPAIRS), the South 200.00 feet of the West 200.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, Less the rights of ways for State Road No. 809, (Military Trail) and Hypoluxo Road.

As a point of reference start at the South 1/4 corner of said Section 1, and run Northerly along the East line of the southwest 1/4 of said Section 1, for a distance of 104.05 feet; thence run North 88 Degrees 59' 33" West for a distance of 57.46 feet to the intersection of the West right-of-way line of State Road No. 809 (Military Trail) with the **North right-of-way** line of Hypoluxo Road, said point being also the Southeast corner of the parcel of land herein described; thence run North 88 Degrees 59' 33" West along the North right-of-way line of Hypoluxo Road for a distance of 605.36 feet to the Southwest corner of the parcel herein described, thence turning an angle of 91 Degrees 23' 23" with the previous course measured from East to North and run 1267.72 feet to the Northwest corner of the parcel herein described; thence turning an angle of 89

Degrees 12' 22" with the previous course, measured from South to East and run 613.65 feet to a point in the West right-of-way line of State Road No. 809, said point being the Northeast corner of the parcel herein described; thence run Southerly along the West right-of-way line of State Road 809 which is at an angle of 90 Degrees 45' 05" with the previous course, measured from West to South, a distance of 880.09 feet to a point of curvature, to which curve the previous course is tangent; thence run Southerly along the said road right-of-way line which is the arc of a curve concave to the West having a radius of 11,409.19 feet and a central angle of 1 Degree 54' 28" a distance of 379.90 feet to the Point of Beginning, being located on the North side of Hypoluxo Road, in a CG-General Commercial Zoning District, was approved on October 26, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate:
 - a. Compliance with all minimum Zoning Code requirements and land development regulations;
 - b. A twenty-five (25) foot unobstructed back-up distance for all ninety degree parking spaces.
 - c. Landscaping along Hypoluxo Road, the north property line and the east property line shall be upgraded with minimum twelve (12) foot high native canopy trees, spaced twenty (20) foot on center with a minimum thirty (30) inch hedge spaced twenty-four (24) inches on center.
2. No disassembled vehicles shall be permitted to be parked or stored on site. No outside storage of disassembled or inoperative vehicles, or parts thereof, shall be permitted.
3. There shall be no outdoor storage of debris, equipment, or material on the site.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in landscape areas, rights-of-way, or interior drives.
5. Alternative Landscape Strip No. 3 shall be installed along the west property line and upgraded with twelve (12) foot high native canopy trees, planted twenty (20) feet on center.
6. Off-premise signs shall not be permitted on site.
7. All signage shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons, or other prohibited types of advertisement shall be permitted on site.
8. No outdoor loudspeaker system shall be permitted on site.
9. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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.
14. 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.**
15. 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.
16. 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.
17. Prior to November 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 Hypoluxo Road, in accordance with **Palm Beach** County's existing right-of-way deed No. 87514 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.
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. The Fair Share Fee for this project presently is **\$15,400.00** (280 trips X \$55.00 per trip).

19. Nopenings shall be permitted in the western facade of the 4,275 square foot repair facility excepting required emergency exits.
20. 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Mary Lou Churchill*
DEPUTY CLERK