

RESOLUTION NO. R-90- 823

RESOLUTION APPROVING ZONING PETITION NO. 89-118
SPECIAL EXCEPTION PETITION OF OSIRIS RAMOS

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. 89-118 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 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. 89-118, the petition of OSIRIS RAMOS, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, MOTORCYCLE, MOBILE HOMES, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS (AUTO SERVICE AND USED CAR SALES) on a parcel of land lying in a portion of Tract 74, Block 5, Palm Beach Farms Company Plat No.3 Section 34, Township 43 South, Range 42 East in Plat Book 2, Page 46, lying North of the West Palm Beach Canal, less the right of way for State Road 80, and being located on the Northeast corner of the intersection of Southern Boulevard (SR 80) and Tall Pines Road, in a CG-General Commercial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. At the time of site plan review committee application, the petitioner shall submit a recorded copy of the Restrictive Covenant permitting the use for Southern Boulevard. This covenant shall be in a form acceptable to the County Attorney.
2. Point of purchase signage shall be limited to one free standing sign a maximum of one-hundred (100) square feet in area.

3. Landscaping shall be upgraded along Southern Boulevard to include:
 - a. Twelve (12) foot canopy trees, twenty (20) feet on center;
 - b. One (1) native palm for each twenty (20) linear feet of frontage;
 - c. A thirty-six (36) inch tall hedge.
4. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society standards.
5. All material shall be fully irrigated and maintained in a healthy viable condition.
6. 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.
7. 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.
8. Use of the site shall be limited to the commercial sales, leasing and repair as an accessory use for new or used automobile and customary accessory uses.
9. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
10. 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.
11. 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. A maximum of 24 cars shall be displayed on site.
12. 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.
13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

15. 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.
16. 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.
17. 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.
18. 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.
19. Prior to January 1, 1990 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 Tall Pines, 40 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.
20. 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 \$15,510.00 (282 trips X \$55.00 per trip).
21. In addition the Developer shall contribute the amount of \$756.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$756.00 plus the Impact Fee shall be paid prior to the issuance of the first Building Permit.
22. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$756.00 shall be credited toward the increased Fair Share Fee.

23. Prior to site plan approval, the property owner shall execute a removal agreement acceptable to the County Engineer and County Attorney for future expansion of Southern Boulevard.
24. 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 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Burton Altier*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK