

RESOLUTION NO. R-90-832

RESOLUTION APPROVING ZONING PETITION NO. 89-125  
SPECIAL EXCEPTION PETITION OF  
FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF DELRAY BEACH

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. 89-125 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. 89-125, the petition of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF DELRAY BEACH, BY ALAN J. CIKLIN, AGENT, for a SPECIAL EXCEPTION TO PERMIT AN AUTO SERVICE STATION (TIRE STORE) on a parcel of land lying in the South 168.27 feet of the East 313.00 feet of the following described parcel: The South 1/2 of the Southeast 1/4 of the East 1/4 of the Northwest 1/4, of Section Township 44 South, Range 42 East, less the 53.00 feet thereof, for road right of way of (S.R. 809), being located on the West side of Military Trail (SR 809), approximately .2 mile South of Purdy Lane in a CG-General Commercial Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. Prior to site plan review submittal, the site plan shall be amended to indicate:
  - a. Upgraded landscaping along the entire perimeter to include native canopy trees, twelve (12) feet high, spaced twenty (20) feet on center, supplemented with hedge material thirty-six (36) inches high, spaced twenty-four (24) inches on center.

- b. One free standing point of purchase sign with a maximum size of seventy five (75) square feet.
  - c. Dumpster and loading areas shall be located a minimum of eighty (80) feet from the west property line.
2. Use of the site shall be limited to a 6,595 square feet tire store.
  3. Prior to site plan review submittal, the petitioner shall submit a tree survey to locate and verify the preservation of existing native vegetation within all perimeter landscape strips, interior landscape islands and medians.
  4. Security lighting shall be shielded, low intensity and directed away from nearby residences and right-of-way.
  5. Vehicles shall not be tested off-site on residential streets.
  6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
  7. The unloading of inventory items shall be done on-site within the areas designated for loading and shall not interfere with other vehicular circulation or parking.
  8. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way, or interior drives.
  9. 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.
  10. 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.
  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.
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.
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. Prior to Site Plan approval this property owner shall convey an access easement to the adjacent parcel to the north (Zoning Petition 75-12(A)).
18. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title shall unify this parcel plus Zoning Petition 75-12(A). This Unity of Title may be broken by the County Engineer once an approved plat is recorded in accordance with Palm Beach County Subdivision and Platting Ordinance 73-4 as amended.
19. 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:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK