

ORIGINAL

RESOLUTION NO. R-90-1309

RESOLUTION APPROVING ZONING PETITION NO. 89-105
SPECIAL EXCEPTION PETITION OF RICHARD D. MOROSO
BY WILLIAM P. JACOBSON, AGENT

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. 89-105 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 89-105, the petition of RICHARD D. MOROSO, BY WILLIAM P. JACOBSON, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A MOTEL, A DAY CARE CENTER (MAXIMUM 100 CHILDREN), AUTO SERVICE STATION (NO REPAIRS), CAR WASH, AND PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY STRUCTURES (PRIVATE WATER TREATMENT PLANT) on a parcel of land lying in Section 11, Township 41 South, Range 40 East, commencing: From the Point of Intersection of the West line of the Southeast 1/4 of said Section 11, with the Northeasterly right-of-way line of State Road No. 710, Road Plat Book 2, pages 149-153; run Southeasterly along said right-of-way line a distance of 599.70 feet to the Point of Beginning of the tract hereinafter described; thence Northeasterly at right angles to said right-of-way line, a distance of 590.00 feet; thence Southeasterly, at right angles, a distance of 850.00 feet; thence Southwesterly, at right angles, a distance of 590.00 feet to a point in said Northeasterly right-of-way line of State Road No. 710; thence Northwesterly along said right-of-way line, a distance of 850.00 feet to the Point of Beginning. Subject to the following: An easement and right-of-way for public Highway

purposes as in right-of-way for public highway purposes as in right-of-way Deed dated December 21, 1962, and recorded in Official Record Book 854, page 792. **TOGETHER WITH** a parcel in said Section 11, commencing from the POINT OF INTERSECTION of the West line of the Southeast 1/4 of said Section 11, with the Northeasterly right-of-way line of State Road No. 710, right-of-way Road Plat Book 2, Pages 149-153; Southeasterly along said right-of-way line, a distance of 1449.70 feet; Thence Northeasterly, at right angles, a distance of 590.00 feet to the POINT OF BEGINNING of the Tract hereinafter described; Thence Northwesterly, at right angles, a distance of 200.00 feet; Thence Northeasterly, at right angles, a distance of 500.00 feet; Thence Southeasterly, at right angles, a distance of 200.00 feet; Thence Southwesterly, at right angles, a distance of 500.00 feet to the POINT OF BEGINNING and being located on the north side of Bee Line Highway, approximately 1.75 miles south of Indiantown Road in a CG-General Commercial Zoning District, was approved on February 22, 1990 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 regulations and land development requirements.
2. At the time of Site Plan Review Committee application, the following vegetative information shall be submitted:
 - a'. A detailed vegetation preservation, relocation, donation and removal program. This program shall include a site plan at the same scale as a tree survey. This plan shall clearly identify all oak, slash pine, and cypress and whether or not they are to be preserved, relocated, or removed. The plan shall preserve or relocate all cypress that can be moved, and preserve or relocate all slash pine that may be moved with a tree spade. This program shall include justification for all relocation or removal, it shall also detail methods to be used in relocation, preservation and removal.
 - b. Palms growing within the required buffer areas and preserve areas shall be preserved, where possible. Those palms growing within the developable portions of the site shall not be relocated to the perimeter of the site until a relocation program is developed and approved. This program shall require that the School Board, Parks Department and other municipal government agencies be contacted and assisted in relocating the palms to public works sites in the area if the palms are not usable within the perimeter or buffer areas. This program shall be developed prior to the first site plan approval.
3. Prior to issuance of a vegetation removal permit for this site the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field and tagged and numbered according to a tree survey;

- b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,
 - c. **No** vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas except as required **by** the site plan, drainage plan, landscape plan or mitigation program for the wetlands area.
4. The petitioner shall provide a thirty-six (36) inch high native hedge and twelve (12) foot high native canopy trees planted twenty-five (25) feet on center within the required landscape strips along Beeline Highway
 5. **No** outdoor loudspeaker system shall be permitted on site.
 6. Outdoor lighting used to illuminate the premises shall be a maximum **of** fifteen (15) feet high, low intensity, shielded and directed away from adjacent properties and streets.
 7. Off premise signs shall not be permitted on site, except a sign announcing the Moroso Motorsports facility and related activities. This sign shall **be** constructed according to all Sign Ordinance and Zoning Code Requirements.
 8. 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. Any subdivision of the property will require the subject property to be platted in accordance with provisions **of** Palm Beach County's Subdivision Platting Ordinance **73-4**, as amended.
 9. **No** site plan approval shall be granted for this development until the application and engineering plans to construct a water treatment plant are submitted to the Health Department.
 10. **No** site plan approval shall be granted for this development until the application and engineering plans to construct a sewer treatment plant are submitted **to** the Health Department.
 11. Any wetland area filled for this development shall be mitigated. Mitigation plans shall be submitted to the Department of Environmental Resources Management for approval prior to Site Plan certification.
 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. 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. Potable water supply will be provided by a water treatment plant designed to meet the requirements of a non-transient, non-community system, in accordance with Chapter 17-22 F.A.C. and Palm Beach County E.C.R. - II. The system will be operated by Northern Palm Beach Water Control District.
16. A package treatment plant is proposed to handle sewage disposal. This plant shall be designed to meet the requirements of D.E.R. Chapter 17-4 and 17-6 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 on site 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. Prior to January 1, 1991, or prior to Site Plan approval, whichever shall first occur, the property owner shall convey an access easement, 72 feet in width through this project in the location shown on the site plan dated the 16th day of November, 1989, as drawn by Land Design Associates and submitted to Palm Beach County pursuant to Petition No. 89-105. Location shall be along the project's eastern property line subject to approval by the County Engineer.
19. The Property Owner shall construct:
 - a. the north south access road easement identified in the condition above, a minimum of four 12 foot travel lanes constructed to local street standards with curb and gutter.
 - b. Right turn lane, east approach on Beeline Highway at both project's entrance roads.

- c. Left turn lane, west approach on Beeline Highway at both project's entrance roads.

This construction shall begin prior to the issuance of a Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

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.
21. The Developer shall install signalization if warranted as determined by the County Engineer at either the project's entrance **or** Beeline Highway. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
22. The paved markings and signing for accessways shall be indicated on the site plan as approved by the County Engineer.
23. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure **to** comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals **of** any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus 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
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 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

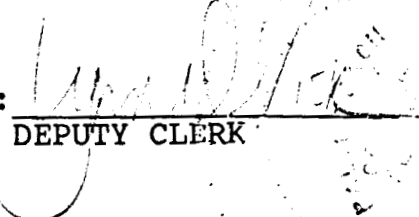
PALM BEACH COUNTY, FLORIDE.
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

