

RESOLUTION NO. R-88-1188

RESOLUTION APPROVING ZONING PETITION NO. 86-78(A)
SPECIAL EXCEPTION PETITION OF PETER MERCURIO
AND THOMAS D. MERCURIO

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 86-78(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-78(A), the petition of PETER MERCURIO AND THOMAS D. MERCURIO, by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES, RENTAL AND REPAIR FACILITY AND LOTS PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-78 ON AUGUST 28, 1986, TO REDESIGN THE SITE AND INCREASE THE TOTAL BUILDING FLOOR AREA BY 850 SQUARE FEET on a parcel of land lying on the North 140 feet of the South 165 feet of Lot 6, Block 1, Section 1, Township 44 South, Range 42 East, Palm Beach Plantations, recorded in Plat Book 10, Page 20, less the East 1110.0 feet thereof; also less the West 53.0 feet, as measured easterly from the centerline of Military Trail (SR 809) also being the North-South 1/4 Section line, located on the east side of Military Trail (SR 809) approximately .2 miles south of

Gun Club Road in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 1 of Zoning Petition No. 86-78 (Resolution No. R-78-208) which states:

"1. Prior to site plan certification, the site plan shall be amended to reflect the following:

- a. required 25 foot backup distance for all parking spaces, or obtain Board of Adjustment relief.
- b. required terminal islands."

is hereby amended to state:

"1. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. required terminal island.
- b. relocation of the handicap parking stall to a safer and more convenient location.
- c. a barrier separating the customer parking from the display parking. The barrier can be in the form of a mountable curb, removable bollards, grass with paver blocks, or other suitable barrier approved by the Zoning Division."

3. Condition No. 6 of Zoning Petition No. 86-78, (Resolution No. R-87-208) which states:

"6. 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 \$1,286.00 (48 trips X \$26.79 per trip).

is hereby modified to state:

"6. The developer 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 \$2,545.00 (95 trips X \$26.79 per trip)."

4. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that stormwater runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

5. 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.
6. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.
7. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public sewer system.
8. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.
9. Use of the site shall be limited to the sale and cleaning of new or used automobiles. Repair of vehicles shall be limited to preparation for sale of vehicles to be sold on site and repairs. All repairs shall be performed entirely inside a building.
10. No outdoor loudspeaker system shall be permitted on site.

11. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
12. No vehicles except customer and employee parking shall be stored or displayed on the site except those which are intended for sale and are in running condition.


Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

