

RESOLUTION NO. R-89- 339

RESOLUTION APPROVING ZONING PETITION NO. 87-130
SPECIAL EXCEPTION PETITION OF ROGER DEAN

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. 87-130, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 1988; 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. 87-130, the petition of ROGER DEAN, by Elaine Schneider, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES RENTAL AND REPAIR FACILITIES AND LOTS on a parcel of land beginning at a point on the South right-of-way line of Okeechobee Road a distance of 539.26 feet West of a point which is 35.00 feet South and 150.00 feet West of the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 43 South, Range 43 East and running in a Westerly direction along the South right-of-way line of Okeechobee Road, a distance of 150.00 feet to a point; thence in a Southerly direction at right angles to the South right-of-way line of Okeechobee Road a distance of 150.00 feet to a point; thence in an Easterly direction a distance of 150.00 feet to a point; thence in a Northerly direction a distance of 150.00 feet to the Point of

Beginning, being located on the southwest corner of the intersection of Okeechobee Boulevard (S.R. 704) and Manor Drive, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required landscape strips along the western and southern property lines, including the required 6 foot CBS wall where this lot abuts residentially zoned property.
 - b. Required terminal islands.
 - c. Required trees in all terminal islands.
 - d. Required interior landscape area.
2. 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.
3. No outdoor loudspeaker system shall be permitted on site.
4. Use of the site shall be limited to the sale and cleaning of new and used automobiles and trucks. No mechanical or body repair work shall be permitted on site.
5. 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, right-of-way, or interior drives.
6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.
7. 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.
8. Vehicles shall not be test driven off-site on streets in a residential neighborhood.
9. No off-premises signs shall be permitted on site.
10. No stock loading or dumpster pickup will be permitted

between the hours of 9:00 p.m. and 7:00 a.m.

11. No vehicle shall be parked with its hood or truck open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
12. 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 buildings, vehicle or wall, other than inside a window as may be permitted by the Sign Code.
13. Exterior lighting shall not exceed 25 feet in height and shall be directed away from adjacent properties. When measured on site, ten (10) feet from the property line with a light meter held six (6) feet above grade, the illumination shall not exceed:
 - a. 100 foot candles within display areas; and
 - b. 40 foot candles within all other areas.
 - c. After 11:00 p.m., the same measurement shall be as follows:
 - i. 50 foot candles within display areas; and
 - ii. 40 foot candles within all other areas.
14. The petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation, and shall not be adjacent to residentially zoned lots.
15. The site shall be limited to three (3) separate entrances onto Okeechobee Boulevard. The center entrance shall align with the existing median opening.
16. 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.

17. If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water 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.
18. The property owner shall convey for the ultimate right-of-way of Okeechobee Boulevard 80 feet from centerline within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.
19. The property owner shall pay Fair Share Fee in the amount & manner required by Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$2,009.00 (75 additional trips X \$26.79 per trip).
20. In addition the petitioner shall contribute the amount of \$403.00 as established in Article V Section 3 (Insignificant Project Standard) of the proposed Traffic Performance Standards Code. These total funds of \$403.00 shall be paid prior to the issuance of the first Building Permit.
21. The Property Owner/Developer shall saw-cut and remove all excess existing pavement within the Okeechobee Boulevard right-of-way for the entire Roger Dean Center (approximately 300 feet of frontage along Okeechobee Boulevard). All remaining areas shall be planted with solid sod. Zoning Conditions which require construction within the Florida Department of Transportation right-of-way shall all be subject to approval by the Florida Department of Transportation and the County Engineer.
22. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$403.00 shall be credited toward the increased Fair Share Fee.
23. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for

straight rezoning).

24. Because water service is available to the property, a well shall not be approved for potable water use.
25. There shall be no repair, oil change or maintenance of mechanical equipment conducted on the property until the facility is connected to a public sewer system.
26. A Unity of Control shall be executed covering the entire site. Two (2) copies of properly executed Unity of Control documents shall be submitted to the Zoning Division simultaneously with the Site Plan Review Committee submittal.
27. Landscaping along the south property line where this use abuts the existing mobile home park shall be upgraded by planting canopy trees a minimum of 12 feet in height, planted a maximum of 20 feet on center.
28. The property owner shall convey, within ninety (90) days of approval, the additional right-of-way on Okeechobee Boulevard at the project's entrance which aligns with the existing median opening. This right-of-way shall be a minimum of twelve (12) feet in length, 150 feet in width, with a taper length of 180 feet.
29. Trees within the perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet overall height at the time of planting.

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	--	Absent
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 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Roberts
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK