

RESOLUTION NO. R-89- 350

RESOLUTION APPROVING ZONING PETITION NO. 88-23
SPECIAL EXCEPTION PETITION OF MURIEL L. PELLICONE

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. 88-23 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. 88-23 the petition of MURIEL L. PELLICONE, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL, NEW AND USED AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALES AND RENTAL AND REPAIR FACILITIES AND LOTS on a parcel of land lying in the North 271.34 feet, of the West 300.00 feet, of the Northwest 1/4 of the Northwest 1/4 of Section 8, Township 44 South, Range 43 East, LESS the North 40.00 feet thereof for Lake Worth Drainage District, Later No. 6 and LESS the Right-of-Way of Congress Avenue, located on the east side of Congress Avenue (S.R. 807), approximately 100 feet north of Palmarita Road, 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 clear back-up distance for all parking spaces.
 - b. Required hedge material within all perimeter landscape strips which abut vehicular use areas.
 - c. Required tabular identifying the amount of interior landscaping to be transferred to the perimeter. strips
 - d. The location and maximum number of boats on site for display and storage.
2. Prior to site plan certification, the petitioner shall provide documentation substantiating the existence of all structures on site prior to February of 1973, or obtain variance relief from the Board of Adjustment.
 3. Use of the site shall be limited to the retail sale and minor repair of motorcycles and boats.
 4. The display areas of the individual uses on site shall be segregated.
 5. Outside stacking of boat racks shall be limited to fifteen (15) feet.
 6. Storage of motorcycles or boats shall not be permitted on the lawn area or the landscape strips.
 7. Outside storage of disassembled vehicles, inoperative motorcycles, boats, or parts thereof, shall not be permitted on site.
 8. No outdoor loudspeaker system shall be permitted on site.
 9. The petitioner shall upgrade the landscaping along the eastern and western perimeters to include native canopy trees, ten to twelve feet high, spaced 20 feet on center, supplemented with hedge material 36 inches high, spaced 24 inches on center.
 10. Customer 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 driveways.
 11. If a Specialized Vehicular Use Area is utilized for display of motorcycles and boats, 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.

12. Vehicles shall not be tested off-site on streets in residential neighborhoods.
13. No off-premises signs shall be permitted on site.
14. No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 7:00 A.M.
15. No advertising flags, foreign flags, pennants, banners, streamers, or balloons shall be permitted on site. No 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, or as may be permitted by the Sign Code.
16. The petitioner shall provide an area on-site to unload inventory from 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.
17. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, except where currently existing, unless it can be demonstrated to the Site Plan Review Committee that it not feasible to comply.
18. 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.
19. Since sewer service is available to the property, septic tank shall not be approved for use on the property.

Because water service is available to the property, a well shall not be approved for potable water use.

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.

22. 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.
23. The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.
24. The property owner shall construct a left turn lane, north approach on Congress Avenue at the project's entrance road. This construction shall include modifications to the existing bridge structure over the Lake Worth Drainage District Canal No. 6 as required concurrent with onsite paving and drainage improvements. Permits for this construction shall be obtained from the Lake Worth Drainage District and the Florida Department of Transportation.
25. Reasonable precautions shall be exercised to ensure that unconfined particles (dust particles) from property do not become a nuisance to neighboring properties.
26. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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	--	Absent

The foregoing resolution was declared duly passed and adopted this 28th day of Februray, 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 Pulst
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK

