

RESOLUTION NO. R-98-1297

RESOLUTION APPROVING ZONING PETITION DOA79-148(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF IRVING DODDS
BY STEPHEN MATHISON, AGENT
(PALM BEACH ACURA)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA79-148(B) was presented to the Board of County Commissioners at a public hearing conducted on August 27, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA79-148(B), the petition of Irving Dodds, by Stephen Mathison, agent, for a Development Order Amendment (DOA) to Add land area (3.41 acres from P84-187); modify site plan and abandon SE for P84-187 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 27, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

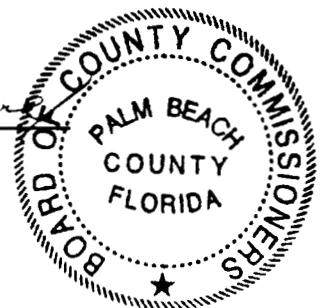


EXHIBIT A
LEGAL DESCRIPTION

Parcel #1 (PCN: 00 42 43 27 03 001 0241; 79-148):

Lot 24, Less the West $\frac{1}{2}$ and Less the South 15' thereof, Block 1, Palm Beach Farms Co. Plat No. 9, according to the Plat recorded in Plat Book 5, page 58, as recorded in the Public Records of Palm Beach County, Florida (Approximately 6.78 acres; said property located in Section 28, Township 42 South, Range 43 East).

Parcel #2 (PCN: 00 42 43 27 03 001 0242; 84-187):

A portion of the West $\frac{1}{2}$ of Tract 24, Block 1. Of the Palm Beach Farms Co. Plat #9, according to the plat thereof as recorded in Plat Book 5, page 58, of the current Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Tract 24, thence Northerly along the Westerly boundary of said Tract 24, 482.62 feet to the point of beginning (2.O.B.) thence continued Northerly along said Westerly boundary of Tract 24, 447.19 feet to the Southerly Right-of-Way line of the Lake Worth Drainage District Canal No. L-1 as now established and in use. Thence Easterly along the Southerly Right-of-way Line of said canal L-1, 330.34 feet to the Easterly boundary of the West $\frac{1}{2}$ of Tract 24. Thence Southerly along the Easterly boundary of the West $\frac{1}{2}$ of Tract 24, 447.19 feet, thence Westerly parallel with the Southerly Right-of-way Line of said canal L-1, 330.34 feet to the Westerly boundary of said Tract 24 and Point-of-Beginning (P.O.B.) (Approximately 3.41 acres; said property located in Section 28, Township 42 South, Range 43 East).

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-85-333, granting approval for a PCD of Petition 84-187, R-92-1658 approving status report (SR 84-187), are hereby revoked. (MONITORING)
2. Resolution R-79-1097 granting a rezoning approval for (Petition 79-148), and R-85-332 granting approval of (Petition 84-187), shall remain in full force and effect. (MONITORING)
3. All conditions of approval contained in Resolution R-79-1098 (Petition 79-148); and R-85-1431 (Petition 79-148(A)) are hereby repealed. (MONITORING)
4. The approval granted by Resolution R-79-1098 (Petition 79-148) (PCD) and, R-85-1431 (Petition 79-148(A)), however, shall remain in full force and effect. (MONITORING)
5. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 24, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN-MUPD

1. Total gross floor area shall be limited to a maximum of 32,400 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)
2. To ensure consistency with the site plan dated June 24, 1998 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being **covered** by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
3. Prior to final site plan approval the petitioner shall amend the site plan to delete the 16,500 square feet of office warehouse use and associated parking. (DRC: ZONING)

C. LANDSCAPING - INTERIOR :FOR THE 3.41 ACRE WEST AUTO DISPLAY ADDITION

1. **One** landscape island shall be provided for every ten (10) parking spaces. The **maximum** spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be five (5) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet **of the** divider median, with a maximum tree spacing of sixty (60) feet on center. **(DRC: ZONING)**

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD - ALONG THE WESTERLY 330.34 FEET THE 3.41 ADDITION)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at the project's entrance road subject to approval of the FDOT.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. Prior to DRC Certification the property owner shall amend the existing concurrency approval for the site to delete the two 8250 square foot office warehouses as shown on the current site plan. (DRC:ENGINEERING)
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to May 1, 1999. (DATE:MONITORING-Eng)

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of the an onsite Drainage Permit from the Palm Beach County Engineering Department, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material

previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (ONSITE DRAINAGE PERMIT:ENGINEERING)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to February 1, 1999. (DATE:MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the an onsite Drainage Permit from the Palm Beach County Engineering Department. (ONSITE DRAINAGE PERMIT:ENGINEERING)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

G. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

H. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. On the west 3.41 acre parcel, all outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

I. RECYCLE OIL

1. 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. (ONGOING: HEALTH)

J. SIGNS

1. New freestanding point of purchase signs fronting on Okeechobee Boulevard adjacent to the **3.41** acre west auto display addition shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen (**15**) feet;
 - b. Maximum sign face area per side - **125** square feet;
 - c. Maximum number of signs - one (**1**); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/ DRC: CODE ENF/ ZONING)

K. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF -Zoning)
2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF -Zoning)
3. Vehicles shall be parked or displayed only in the areas designated on the certified site plan for parking/display. (ONGOING: CODE ENF - Zoning)
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF -Zoning)
5. A maximum of **182** cars shall be displayed on site at any time. (ONGOING: CODE ENF - Zoning)
6. An automatic car wash facility, if provided, shall utilize a **100%** water recycling system. (CO: BLDG -Health)
7. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
9. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)
10. Vehicles shall not be test driven on residential streets. (ONGOING - CODE ENF)

11. All parking spaces required for employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces. (DRC / ONGOING: ZONING / CODE ENF)

L. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition, for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)