

RESOLUTION NO. R-91-1070

RESOLUTION APPROVING ZONING PETITION NO. **83-161(A)**
SPECIAL EXCEPTION PETITION OF RICHARD E. BASTIN

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. 83-161(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 31, 1991; 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 the 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, chapter 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. R-83-161(A), the petition of RICHARD E. BASTIN, BY JAMES R. BRINDELL, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PCD TO ALLOW A VEHICLE SALES AND RENTAL SERVICE AND AN AUTO PAINT AND BODY SHOP on a parcel of land lying in PARCEL A: Parcel 1: The South 200 feet of the North 215 feet of the East 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East; subject, however, to an easement along the East 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557; Parcel 2: The South 200 feet of the North 215 feet of the West 1/2 of the East 1/2 of the East 1/2 of the Northeast 1/4 of Section 25, Township 43 South, Range 42; subject to an easement along the West 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining land; LESS the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557; AND PARCEL B: The East 1/8 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, LESS the North 215 feet thereof and LESS the south 560 feet; AND PARCEL C: The West 1/2 of the East 1/4 of the Northeast 1/4 of the Northeast 1/4, LESS the South 660 feet thereof and LESS the North 215 feet thereof all in

Section 25, Township 43 South, Range 42 East; AND PARCEL D: The West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East; LESS the West 200 feet, also LESS the North 15 feet; EXCEPTING THEREFROM the West 10 feet thereof as conveyed in Official Records Book 4386, Page 1559, and being located on the **S. SIDE OF OKEECHOBEE BLVD. AND THE E. SIDE OF INDIAN RD.,** APPROXIMATELY .2 MILE N. OF WESTGATE AVE., IN THE CG ZONING DISTRICT, was approved on May 31, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the master site plan and the Phase I site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the master site plan approved by the Board of County Commissioners (Exhibit No. 37). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval.
3. The petitioner shall submit the master site plan and the Phase I site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to September 1, 1991.

B. ADVERTISING

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, signs upon any vehicles, prices or vehicle stock numbers or other information shall be displayed on vehicles for sale except as required to be posted on such vehicles by law and the year of the automobile.
2. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, except as may be permitted by the Sign Code.
3. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan.

C. AUTO SALES OR RENTING

1. Use of the site shall be limited to the sale and rental of new and used automobiles (also see Condition D.1.).
2. A maximum of 228 inventory vehicles shall be stored or displayed on site.
3. When this facility is not open, the principal inventory parking areas shall be locked and gated.

4. The petitioner shall provide an area on site to unload vehicles from car carriers. This area shall:
 - a. be a minimum of fifteen **(15)** feet wide and sixty **(60)** feet in length,
 - b. have sufficient maneuvering area,
 - c. be located out of all vehicular circulation areas, and
 - d. be located a minimum of fifty **(50)** feet **from** any residentially zoned property, or adequately buffered in a form acceptable to the Zoning Division.
5. 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.
6. No vehicles, other than for customer/employee parking and those which are intended for sale and are in running condition, shall be stored or displayed outdoors on-site.

D. AUTO SERVICE

1. An auto **service/repair** facility and auto paint and **body** shop may be provided as accessory uses. Service and repair facilities and paint and body shops shall be located a minimum of 50 feet from any residentially zoned property.
2. Service bay doors shall not be oriented toward the southern portion of the site.
3. There shall be no outdoor repair of vehicles.
4. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
5. Vehicles shall not be tested off-site on residential streets.
6. Any automatic car wash facility on the site shall utilize a 100% water recycling system.
7. Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans shall be submitted to the Health Department and the Department of Environmental Resources Management for approval prior to installation.
8. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code.

E. ENGINEERING

1. 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.

F. BUILDING AND SITE DESIGN

1. Total floor area shall be limited to a maximum of 84,697 square feet.
2. The maximum height, from grade to roof line, for all structures shall not exceed thirty (30) feet.
3. All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure.
4. NO building permit shall be issued prior to final approval of the Comprehensive Plan Amendment eliminating "cross hatching" from this site. However, the petitioner may proceed through site plan review prior to final approval of the Comprehensive Plan Amendment.

G. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, located outdoors:
 - a. shall not be located within 50 feet of any residentially zoned property,
 - b. shall be confined to areas designated on the site plan, and
 - c. shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an **obscure**, opaque gate.

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.
2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform **all** necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

I. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potsble water.
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
5. No portion of this project is to be approved on well (except for irrigation and car washing) or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

J. IRRIGATION QUALITY WATER

1. When treated effluent water is available within **500 feet** of the property on the south side of Okeechobee Boulevard, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner, provided, however, that a pro-rata reimbursement (based on frontage) shall be provided by intervening property owners as a condition of development approvals (e.g. building permits, special exceptions, variances, etc.) issued subsequent to this petition.

K. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall amend the site plan to comply with the Westgate/Belvedere Homes Community Redevelopment Agency Streetscape Plan. The Streetscape Plan requirements shall supersede any conflicting landscape conditions of approval unless a Landscape Betterment Plan is approved by the Zoning Division.
2. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape conditions of approval.

L. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten **(10)** parking/storage spaces. The maximum spacing between landscape islands shall not exceed **120** linear feet.
2. All trees within the interior parking area shall be a minimum of twelve **(12)** feet in height.
3. Prior to site plan certification, the site plan shall be amended to indicate typical landscape planting details, subject to approval by the Zoning Division.

M. LANDSCAPING ALONG PROPERTY LINES ABUTTING RIGHTS-OF-WAY

1. Landscaping within the required buffer along Okeechobee Boulevard shall be upgraded in accordance with a Landscape Betterment Plan. The petitioner shall submit the Plan, consistent with Exhibit No. 39, prior to site plan certification. The Plan shall include, at a minimum:
 - a. Three twelve (12) foot tall palm trees for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet.
 - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center.
 - c. Appropriate ground cover and irrigation.
2. Landscaping within the required buffer along Indian Road shall be upgraded to include:
 - a. One twelve (12) foot tall native canopy tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet.
 - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center.
 - c. Appropriate ground cover and irrigation.

N. LANDSCAPING ALONG PROPERTY LINES ABUTTING RESIDENTIAL LAND USE

1. Landscaping and buffering along the east and south property lines, adjacent to residentially zoned land, shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.

The following landscaping requirements shall be installed on the exterior side of the required wall:

- c. Twelve (12) foot tall native canopy trees spaced twenty (20) feet on center.
 - d. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of sixty (60) inches within two years of installation.
2. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrubs or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

O. LANDSCAPE WITHIN MEDIAN

1. If permitted by the Florida State Department of Transportation (FDOT) or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner and shall be installed prior to June 1, 1993.

P. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward away from adjacent properties and streets.
2. Lighting fixtures shall not exceed twenty-five (25) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

Q. PARKING

1. Upon completion of Phase II of the project, in accordance with the master site plan, a maximum of 333 parking/storage/display spaces shall be permitted on-site.
2. Customer parking shall be marked with an above grade sign and shall be physically separated from the vehicle sales, storage and display areas.
3. The equipment yard shall be screened by a twelve (12) foot high wing wall consistent with the color and character of the principle structure. The open end shall have an obscure, opaque gate.
4. Overnight storage or parking of delivery vehicle; or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan.
5. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.

R. RECYCLE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

S. SIGNS

1. Signs fronting on Okeechobee Boulevard shall be limited as follows:
 - a. Maximum total sign height - ten (10) feet.
 - b. Maximum total sign area, per face - 100 square feet per face.
 - c. Maximum number of signs - one (1).
2. Signs fronting on Indian Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign area, per face - 35 square feet per face.
 - c. Maximum number of signs - one (1).
3. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.
4. No signs shall encroach into the minimum required perimeter landscape buffers.
5. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
6. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

T. USE LIMITATION

1. Use of the site shall be limited to commercial sales, leasing and repair of new or used automobiles and accessory uses.
2. No outdoor speaker or public address systems which are audible off-site shall be permitted.
3. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m., except deliveries to the "Dedicated Delivery Area" indicated on the master site plan.
4. No storage or placement of any, refuse, equipment or debris shall be permitted in the rear of the facility.

U. WESTGATE CRA CONDITIONS

1. This site lies within the Westgate Community Redevelopment Area and is subject to the provisions of Zoning Code Section 627 (Westgate CRA Overlay District) in addition to other applicable zoning district, special exception and land development regulations.
2. Prior to site plan certification, the petitioner shall submit to the Zoning Division and the Westgate Community Redevelopment Agency for review and approval, conceptual elevations with all materials and colors specified, including but not limited to, roof, trim, awnings, **walls**, signs, fences and screening of mechanical equipment, utility structures and trash receptacles.

V. COMPLIANCE

1. 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 Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

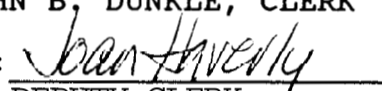
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY :


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK