

RESOLUTION NO. R-2000- 1563

RESOLUTION APPROVING ZONING PETITION CA00-057
CLASS A CONDITIONAL USE
PETITION OF ROBERT CUILLO
BY RICHARD BEKESH, AGENT
(LEXUS OF PALM BEACH EXPANSION)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA00-057 was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA00-057, the petition of Robert Cuillo, by Richard Bekesh, agent, for a Class A Conditional Use (CA) to allow a general repair and maintenance facility in the General Commercial (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on **September 28, 2000**, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

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

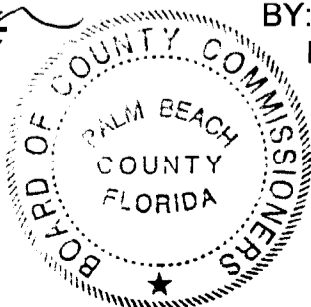


EXHIBIT A

LEGAL DESCRIPTION

Parcels 1 to 4 Official Record Book 10219, Page 606
Section 29, Townshop 43 S, Range 43 E

PARCEL 1:

Lots 5 and 6. Block 16 of Madrid Park; according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 13 at Page 78.

Also described as the S. 102' of the N. 933' of the East 95' of the West 135' of Section 29, T.43 S, R.43 E, in the Replat of Madrid Park according to the plat thereof filed in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 20, Page 20.

PARCEL 2:

The South 100 feet of the North 933 feet of the East 105 feet of the West 240 feet, Replat of Madrid Park, as in Plat Book 20, Page 20, being the Northwest 1/4 of the Northwest 1/4 in Section 29, Township 43 South, Range 43 East.

PARCEL 3:

Beginning at a point in the West line of Section 29, Township 43 South, Range 43 East, a distance of 777 South of the Northwest Corner; thence Easterly and parallel with the North line of said Section 29, a distance of 270 feet; thence Southerly and parallel with the West line of said Section 29, a distance of 114 feet; thence Westerly and parallel with the North line of said Section 29 a distance of 270 feet; thence Southerly and parallel with the West line of said Section 29, a distance of 114 feet; thence Westerly and parallel with the North line of said Section 29 a distance of 270 feet to the West line of said Section 29; thence Northerly along said West line of said Section 29 a distance of 114 feet to the Point of Beginning, excepting therefrom the right to way of Congress Avenue as such may exist in the Public Records of Palm Beach County, Florida.

PARCEL 4A:

The east 35 feet of the West 275 feet of the South 116 feet of the North 779 feet of the Replat of Madrid Park, according to the plat recorded in Plat Book 20, Page 20, in and for the public record of Palm Beach County, Florida.

and

PARCEL 4B:

The South 116 feet of the North 779 feet of the East 207 feet of the West 240 feet of the Replat of Madrid park, according to the plat recorded in Plat book 20, page 20, in and for the public records of Palm Beach County, Florida.

and

PARCEL 4C

The east 91 feet of the West 361 feet of the south 560 feet of the North 1223 feet of the replat of Madrid Park, according to the plat recorded in Plat Book 20, page 20, in and for the public records of Palm Beach County, Florida.

and

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 4D

The East 35 feet of the West 275 feet of the South 200 feet of the North 1093 feet of the Replat of Madrid Park, according to the plat recorded in Plat book 20, page 20, in and for the public records of Palm Beach County, Florida.

and

PARCEL 5

The South 2 feet of the North 893 feet of the East 135 feet of the West 270 feet, Replat of Madrid Park, as in Plat Book 20, page 20, according to the plat thereof filed in the Office of the Clerk of the Circuit of the Court, in and for Palm Beach County, Florida.

Total acreage 2.98 more or less

EXHIBIT B

VICINITY SKETCH

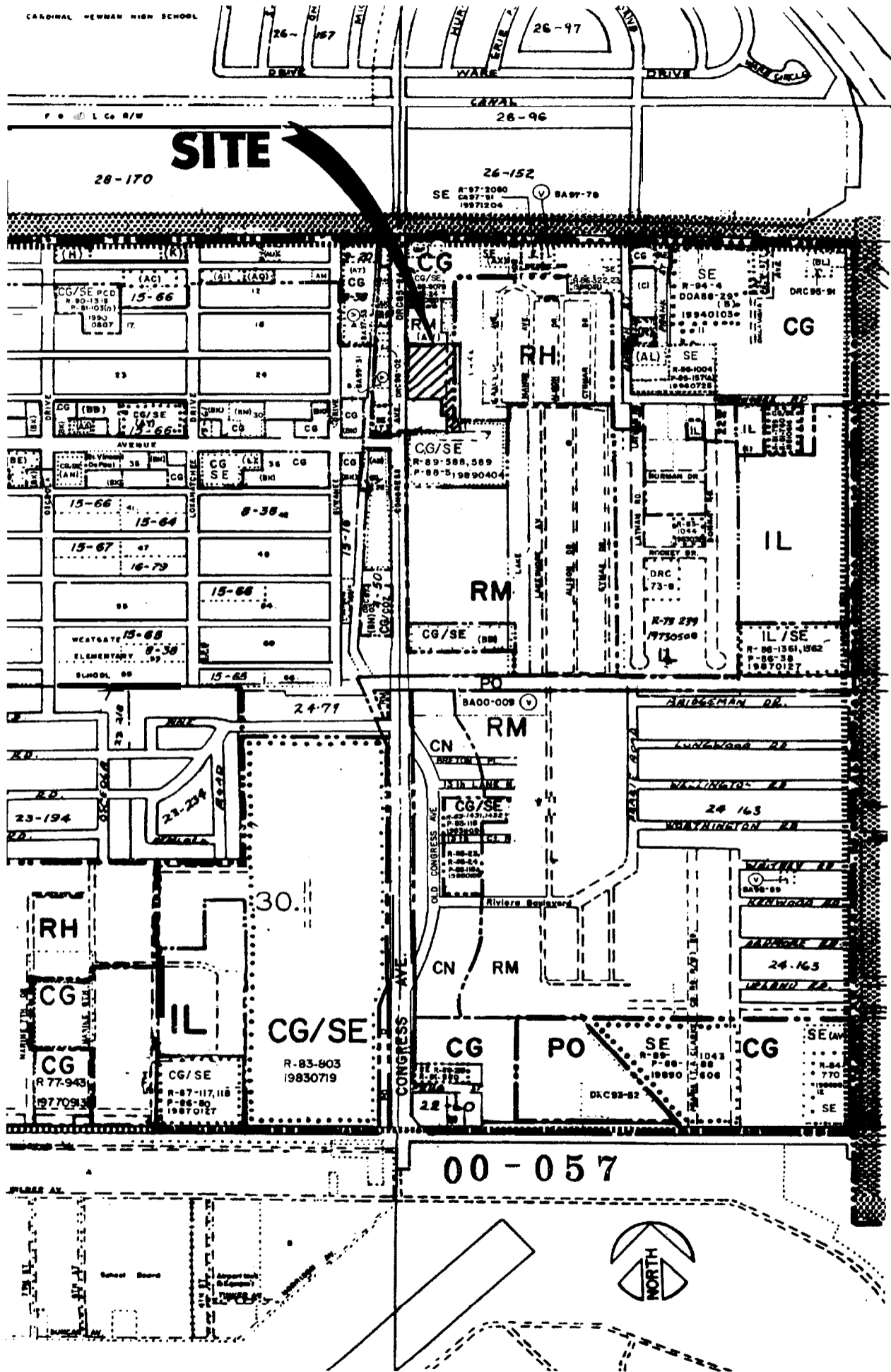


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 July 31, 2000. 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. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 45,433 square feet. Expansion shall be subject to approval by the Board of County Commissioners. (DRC: ZONING)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning, mechanical equipment, and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. No barbed or razorwire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

D. LANDSCAPING

1. Fifty percent (50%) of all canopy trees required to be planted on the perimeter buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall be booted Sabal palms and shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Ave. to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT:MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Congress Ave, 60 feet from the centerline;
 - b) Expanded intersection at Congress Avenue and **Westgate Avenue**.

All right of way shall be conveyed prior to February 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT:MONITORING-Eng)

3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
4. Prior to Certificate of a **Occupancy(CO)**, the property owner shall participate in the future Median Landscaping program of Congress Avenue adjacent to the site by the **Westgate** CRA. Funding for this program by the property owner shall be in accordance with Resolution No. 2000-2 of the **Westgate/Belvedere** Homes CRA dates April 10, 2000.(CO/MONITORING: Eng)
5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following requirements:
 - a) The Dealership shall be limited to repair of new or used luxury automobiles. No commercial sales, leasing, rental or display of Automobiles shall be permitted on the site. (DATE/BLDG PERMIT: MONITORING-Eng)
 - b) The use of the 2nd floor shall be limited to warehouse storage only (ONGOING: CODE ENF/ENG)

F. 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)
2. Any toxic or hazardous waster which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)
3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use of disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING ALONG THE NORTH, SOUTH AND THE SOUTH 130 FEET OF THE WEST PROPERTY LINES (ABUTTING COMMERCIAL)

1. Landscaping along the north, south and the south 130 feet of the west property lines shall include:
 - a. a minimum five (5) foot wide landscape buffer strip;
 - b. one canopy tree planted at twenty (20) feet on center; and
 - c. thirty six (36) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches.

H. LANDSCAPING ALONG THE EAST 91 FEET OF THE SOUTH PROPERTY LINE AND THE SOUTH 100 FEET OF THE WEST PROPERTY LINE

1. Landscaping along the east 91 feet of the south property line and the south 100 feet of the west property line shall include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two and half (2.5) foot high berm measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) 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. A minimum fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the east property line (except the special planting area indicated in Condition K.3) shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) canopy tree planted every twenty (20) feet on center;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,

- d. twenty-four (24) 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 seventy-two (72) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (CONGRESS AVENUE FRONTAGE)

- 1. Landscaping along the west property line shall include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two and half (2.5) foot high berm measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) 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. A minimum fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

K. LANDSCAPING - INTERIOR

- 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. Foundation planter strips shall be provided along the north and west facades (except in service bay areas) of the building. The minimum width of the required planter strip shall be eight (8) feet. The combined length of the required planter strip shall be no less than 40% of the accumulative length of the applicable side of the structure. All required planter strips shall be planted with appropriate trees, shrubs and ground cover. (DRC / CO: ZONING / LANDSCAPE)
- 3. Special landscaped treatment shall be provided along the island/buffer directly across the vehicular access door adjacent to the east property line. The combined planting area shall be a minimum of 2,250 square feet and shall consist of :
 - i. Buffer
 - a. one (1) canopy tree planted at twenty (20) feet on center;
 - b. a minimum of six (6) Booted Sabal Palms; and,
 - c. twenty-four (24) 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 seventy-two (72) inches.
 - ii. Landscape Island
 - a. a minimum of six (6) Booted Sabal Palms;
 - b. a minimum of seven (7) small, flowering trees; and,
 - c. twenty-four (24) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty thirty -six (36) inches. Shrub and hedge materials shall be planted in a naturalistic manner. (DRC /CO: ZONING/LANDSCAPE)

4. Prior to the final DRC certification of the site plan, the petitioner shall revise the site plan indicating the location of the perimeter fencing/gates. All perimeter fence shall be located on the inside edge of the perimeter buffers and shall be black vinyl coated chain link fence with a minimum height of eight (8) feet. No fence shall be permitted in the landscape buffer along Congress Avenue. (DRC: LANDSCAPE)

L. 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 and the minimum necessary to satisfy the Palm Beach County Security Code. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. 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 security lights or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

M. SIGNS

1. Freestanding signs fronting on Congress Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No banners, flags, balloons, snipe signs , etc. shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code. (ONGOING: CODE ENF)
3. No off premise signs shall be permitted on site.(ONGOING: CODE ENF)
4. Wall signs shall not be permitted on the east facade of the building. (CO: BLDG. PERMIT)
5. A maximum of one (1) wall sign with a maximum height of eighteen (18) inches shall be permitted for the north, south and west facades of the building. (CO: BLDG. PERMIT)

N. USE LIMITATIONS

1. There shall be no outdoor loud speaker system installed on the site. (ONGOING: ZONING/CODE ENF)
2. Use of the site shall be limited to repair of new or used automobile and customary accessory use. No commercial sales, leasing, rental or display of automobiles shall be permitted on the site. (ONGOING: ZONING/CODE ENF)

3. There shall be no outside storage of disassembled vehicles or parts. (ONGOING: CODE ENF)
4. The parking of vehicles and loading shall be limited to the designated areas shown on the site plan dated July 31, 2000. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted. (ONGOING: CODE ENF)

0. COMPLIANCE

1. 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 Special Master 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)

2. 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)