

RESOLUTION NO. R-2001- 0004

RESOLUTION APPROVING ZONING PETITION CA79-208(A)
CLASS A CONDITIONAL USE
PETITION OF EXQUISITE AUTO BODY
BY DENNIS KOEHLER, AGENT
(EXQUISITE AUTO BODY)

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 CA79-208(A) was presented to the Board of County Commissioners at a public hearing conducted on January 4, 2001; 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 CA79-208(A), the petition of Exquisite Auto Body, by Dennis Koehler, agent, for a Class A Conditional Use (CA) to allow an automotive paint and body shop 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 January 4, 2001, 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:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Absent
Tony Masilotti		Aye
Addie L. Greene		Absent

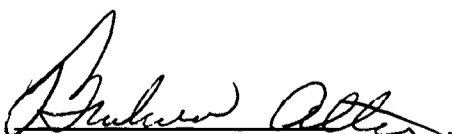
The Chair thereupon declared that the resolution was duly passed and adopted on January 4, 2001.

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

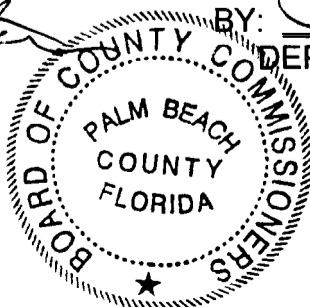


EXHIBIT A
LEGAL DESCRIPTION

The South one-half (S 1/2) of the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 24, Township 44 South, Range 42 East, Less the East 60 feet for road right-of-way.

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-79-I 477, Petition 79-208 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. 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 October 27, 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. BUILDING AND SITE DESIGN

1. Condition 5 of Resolution R-79-1477, Petition 79-208 which currently states:

All scrap material must be stored inside the building.

Is hereby deleted. Reason: [replaced by Condition K.1]
2. All air conditioning and mechanical equipment 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)

C. 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 of owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT)

D. LANDSCAPING - STANDARDS

1. Fifty percent (50%) of all canopy trees required to be planted shall meet the following minimum standards at time of 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; and,
 - 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 shall meet the following minimum standards at installation:
- a. Palm heights: twelve (12) feet clear trunk;
 - 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)
3. **All landscaping shall be installed as shown on site plan prior to a Certificate of Occupancy.** (Previous Condition 4 of Resolution R-79-1477, Petition 79-208)
4. Prior to March 1, 2001, the petitioner shall replace any dead, damaged or missing plant materials on the entire site. (DATE: MONITORING-LANDSCAPE)

E. ENGINEERING

1. **Petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail.** (Previous Condition 1 of Resolution R-79-1477, Petition 79-208)
2. Condition E.2 of Resolution R-79-1477, Petition 79-208 which currently states:
- Petitioner shall not be allowed a median opening.**
- Is hereby deleted. Reason: [Median openings are approved by the Florida Department of Transportation.]
3. Condition E.3 of Resolution R-79-1477, Petition 79-208 which currently states:
- Petitioner shall be allowed only one centrally located access drive onto Military Trail.**
- Is hereby deleted. Reason: [Driveways and locations are shown on the Final Site Plan and approved by the Florida Department of Transportation.]

F. LANDSCAPING - INTERIOR (WEST FACADE FACING RESIDENTIAL)

1. The west facade foundation planter shall have a minimum of two (2) native canopy trees and a cluster of three (3) booted sabal palms. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. one (1) canopy tree planted every twenty (20) feet on center; and,

- b. 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,
- 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 thirty-six (36) inches. (CO: LANDSCAPE)

H. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) across the driveways at the Military Trail entrance and from the existing sidewalk along Military Trail to the walkway which starts at the northeast corner of the proposed building as indicated on the site plan dated **October 27, 2000**. The decorative pedestrian pathway along Military Trail to the walkway shall be constructed of pavers, brick or decorative/stamped concrete to clearly indicate that the pathway is intended for pedestrians. For the pedestrian pathway from the Military Trail sidewalk to the project's entrance, consideration shall be given for pavement striping. (DRC: PLANNING)

J. SIGNS

- 1. Proposed freestanding signs on Military Trail 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 - one hundred (100) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. the sign face area for the existing oval pylon sign may expand to a maximum one hundred (100) square feet without alterations of its current height. Should the existing oval pylon sign be replaced or relocated, the proposed sign shall comply to Condition J.I.a through J.I.d.(BLDG PERMIT: ZONING)
- 2. Prior to March 1, 2001, the petitioner shall remove the existing rectangular sign located in the parking lot (northeast corner of the site). (DATE: MONITORING)
- 3. No off-premise signs, relocated billboards, or wall signs shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

K. USE LIMITATIONS

- 1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
- 2. There shall be no outdoor repair on site. (ONGOING: CODE ENF)
- 3. No barbed or razor wire shall be permitted on site. (CO/ONGOING: BLDG-/CODE ENF)
- 4. The west 5700 sq. ft. building shall be used for an automotive paint and body shop only. (ONGOING: CODE ENF)

L. 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 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)

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)