

RESOLUTION NO. R-2002-0606

RESOLUTION APPROVING ZONING PETITION DOA1980-236(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GARY AND JULIE WESTON
BY LAND DESIGN SOUTH, AGENT
(CAMBRIDGE AUTO SALES)

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 DOA1980-236(B) was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2002; 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 DOA1980-236(B), the petition of Gary and Julie Weston, by Land Design South, agent, for a Development Order Amendment to reconfigure site plan and amend conditions of approval 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 April 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 29 day of May, 2002.

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

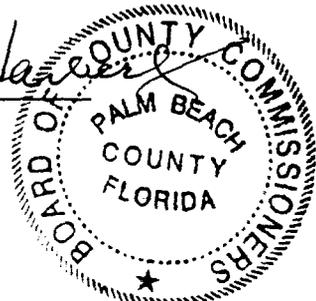


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

Lots 52 through 59, inclusive, LESS the East 3 feet. Lots 60, 61 and 62, and Lots **239**, 240 and **241**, PLAT OF KENWOOD, according to the Map or Plat thereof as recorded in Plat **Book 3**, Page **44**, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

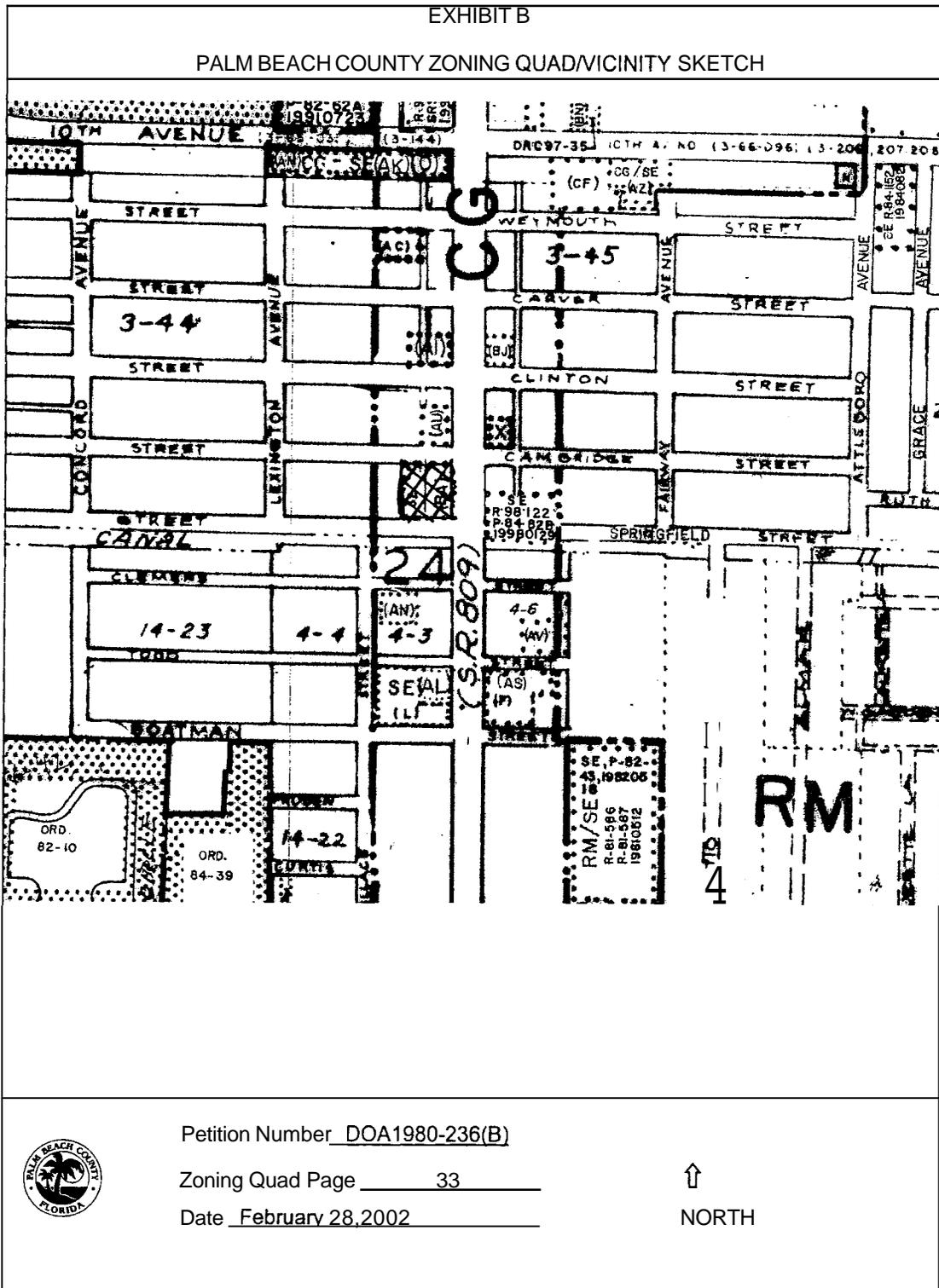


EXHIBIT C

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. Condition 4 of Resolution R-87-0123, Petition 80-236(A), which currently states:

The petitioner shall comply with all previously approved conditions of Petition 80-236, unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new condition.]

2. Condition 1. of Resolution R-91-0523, Petition 80-236(A) which currently states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new condition.]

3. Condition 1. of Resolution R-91-0995, Petition 80-236(A) which currently states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new condition.]

4. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-0051 (Petition 80-236), R-87-0123 (Petition 80-236(A)), R-91-0523 (Petition SR80-236(A)) and R-91-0995 (Petition SR80-236(A)), 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)
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 March 28, 2002. 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

1. The proposed Cambridge Auto Sales building shall be designed and constructed to be consistent with the façade elevations by Richard Wensing Architects & Planners; PA dated March 19, 2002. At time of submittal for final DRC site plan certification, the exterior finishes shall be submitted simultaneously for final review and approval. (DRC: ZONING/BLDG PERMIT - Zoning)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

3. All roof or ground mounted 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)

C. BUILDING AND SITE DESIGN

1. Condition 1 of Resolution R-87-0123, Petition 80-236(A), which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) perimeter landscape strips between off-street parking areas and abutting right-of-way
- b) required interior landscaping
- c) perimeter landscaping along the west property line consisting of one canopy tree planted twenty (20) feet on center
- d) median dimensions a minimum of five (5) feet wide
- e) loading berth or **obtain** Board of Adjustment relief
- f) no parking spaces in safe corner
- g) re-orient the service bays away from abutting residential area to the west
- h) directional arrows on one way drive

~~Is~~ hereby deleted. [REASON: Superseded by new conditions.]

2. Vehicular access to the site shall be prohibited from Military Trail and Springfield Street. (DRC: ZONING – Zoning)

D. HEALTH

1. Condition 2 of Resolution R-87-123, Petition 80-236(A), which currently states:

The application and engineering plans, calculations etc. to construct well and/or septic tank shall be submitted to the Health Department prior to site plan approval.

Is hereby amended to read:

Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final DRC approval. (DRC: HEALTH - Health)

2. Condition 3 of Resolution R-87-123, Petition 80-236(A), which currently states:

There shall be no repair, oil changes, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system. No building permit shall be issued for the service building until the site is connected to public water and sewer.

~~Is~~ hereby amended to read:

There shall be no automotive maintenance or service provided at this site until the property is connected to public sewer. (ONGOING:HEALTH/CODE ENF - Health)

3. In Phase 1, the use of the site shall be limited to vehicle sales only. No repair, maintenance, or vehicle washing shall take place on site as long as this project is served by an on site sewage treatment system. The one (1) building shall be approximately 2,000 square feet with no bay doors, and limited to office use. At such time as the project is connected to public sewer and the septic tank is abandoned in accordance with Palm Beach County ECR #1, the remainder of the project to include the second building and repair uses, shall then be a permitted use. (BLDG PERMIT/ONGOING: BLDG/HEALTH – Health) (Previously Condition 2. of Resolution R-91-523, Petition 80-236(A))

4. Condition 3 of Resolution R-91-995, Petition 80-236(A), which currently states:

The property shall be required to connect to public water and sewer. An on site septic tank system shall not be approved.

Is hereby amended to read:

The property shall be required to connect to public water. No well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (BLDG PERMIT/ONGOING: BLDG/HEALTH – Health)

E. ENGINEERING

1. Condition 1 of Resolution R-81-0051, Petition 80-236, which currently states:

Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way from Military Trail.

Is hereby deleted. [REASON: No longer applicable.]

2. Condition 2 of Resolution R-81-0051, Petition 80-236, which currently states:

Petitioner shall construct Springfield Street and Cambridge Street from Military Trail to the project's west property line as approved by the County Engineer.

Is hereby deleted. [REASON: Superseded by new condition,]

3. Condition 3 of Resolution R-81-0051, Petition 80-236, which currently states:

Petitioner shall only be allowed an entrance onto Springfield Street and Cambridge Street per the County Engineer.

Is hereby amended to read:

The petitioner shall only be allowed an entrance onto Cambridge Street. This condition does not include any cross access points, which may be required by other conditions of approval. (DRC: ZONING – Eng)

4. Condition 4 of Resolution R-81-0051, Petition 80-0236 was amended by Condition 7 of Resolution R-87-123 Petition 80-236(A)

5. Condition 5. of Resolution R-87-0123, Petition 80-236(A), which currently states:

The development shall retain onsite **85%** of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.

Is hereby deleted. [REASON: Code requirement]

6. Developer shall not be permitted direct access onto Military Trail. (Previously Condition 6. of Resolution R-87-0123, Petition 80-236(A))
7. Condition 7. of Resolution R-87-0123, Petition 80-236(A), which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$2,975 (**238** trips X **\$12.50** per trip)."

Is hereby deleted. [REASON: Impact fees are code requirements.]

8. Condition 10.a and 10.c of Resolution R-87-0123 and condition 4 of Resolution R-91-0995 (formerly known as condition 10.b), which currently state:

The property owner shall comply with the following conditions:

- a) no building permit shall be issued until Springfield Street is paved from Military Trail to the project's westerly terminus.
- b) notwithstanding the above condition a) Springfield Street shall be paved from Military Trail to the project's western terminus prior to **May 30, 1993**, unless the applicant amends this condition to delete improvements to Springfield Street.
- c) **In** the alternative, within one year from date **of** Board approval, if Springfield Street is abandoned, a building permit may be issued.

Is hereby deleted. [REASON: Superseded by new conditions.]

9. The Property owner shall construct the north/south twenty (20) foot service alley from Cambridge Street to this projects South property line.
 - 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) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. Condition 5 of Resolution R-81-51, Petition 80-236, which currently states:

All landscaping shall be installed as shown on site plane submitted prior to the issuance of a Certificate of Occupancy.

Is hereby deleted. [REASON: Code requirement.]

2. Condition 2. of Resolution R-91-995, Petition 80-236(A), which currently states:

No building permit shall be issued until a new site plan which complies with the 1990 Landscape Code to the maximum extent possible is certified.

Is hereby deleted. [REASON: Superseded by new conditions.]

3. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

4. All palms required to be planted on site by this approval 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)
5. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
6. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
7. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH, SOUTH AND EAST PROPERTY LINES (CAMBRIDGE STREET, SPRINGFIELD STREET AND MILITARY TRAIL FRONTAGES)

1. Landscaping and buffering along the north, south and east property lines abutting commercial shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip for the property lines adjacent to Cambridge Street and Springfield Street. The south buffer may be reduced to ten (10) feet if the County Engineer determines the right-of-way will never be improved;
 - b. A minimum twenty (20) foot wide buffer strip for the property line adjacent to Military Trail;
 - c. One native canopy tree for each thirty (30) linear feet of property line;
 - d. One palm for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters;
 - e. One (1) flowering tree for each thirty (30) linear feet of property line;
 - f. One small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - g. One medium shrub for each two (2) linear feet of property line, spaced no more than twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches; and

- h. All shrub or hedge materials shall be continuously maintained to achieve the following heights:
 - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub; and
 - ii. thirty-six (36) inches – medium shrub. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip. No easement encroachment shall be permitted;
 - b. One native canopy tree for each twenty (20) linear feet of property line;
 - c. One palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - e. One medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
 - f. One large shrub for each two (2) linear feet of property line, planted twenty-four (24) inches on center, to be installed at a minimum height of thirty (30) inches; and
 - g. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - ii. twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - iii. seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

I. LANDSCAPE - INTERIOR

- 1. A five (5) foot wide landscape buffer strip shall be provided along the east side of the access easement. The buffer shall consist of the following:
 - a. One (1) palm for each twenty (20) linear feet of the length of the easement; and
 - b. One (1) shrub for each two (2) linear feet of the length of the easement, to be planted twenty-four inches on center. Shrubs shall be installed at a minimum height of twenty-four (24) inches and maintained at thirty-six (36) inches. (CO/DRC: LANDSCAPE/ZONING – Zoning)
- 2. A minimum of one (1) landscape island shall be provided for every fifty (50) feet in width of display parking area. Landscape islands shall be a minimum of eight (8) feet in width, excluding curbing. (DRC: ZONING – Zoning)

J. LIGHTING

- 1. Condition 9. of Resolution R-87-123, Petition 80-236(A), which currently states:

Security lighting shall be directed away from adjacent residential areas.

It is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDGICODE ENF - Zoning)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures be setback a minimum of forty-five (45) feet from the west property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)
5. 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-Zoning)

K. PLANNING

1. Prior to final Development Review Certification, the site plan shall be revised to include a notation on the western property line that shall read "vehicular and pedestrian connection to adjacent commercially designated site". (DRC: PLANNING - Planning)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the final certified site plan that shall read "vehicular and pedestrian connection to adjacent commercially designated site". (CO: MONITORING-BUILDING - Planning)
3. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks). These decorative pedestrian pathway areas are to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated January 14, 2002. (DRC: PLANNING - Planning)
4. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the Lake Worth Corridor Study Area incorporated onto the site plan dated January 14, 2002. (DRC: PLANNING - Planning)

L. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only;
 - e. Location - within twenty (20) feet of the pedestrian connection on Military Trail frontage or the southwest corner of Military Trail and Cambridge Street; and
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
2. No wall signs shall be permitted. (CO: BLDG - Zoning)

M. USE LIMITATIONS

1. **No outdoor audio or loudspeaker systems shall be permitted on the site.** (Previously Condition 11. of Resolution R-87-123, Petition 80-236(A))
2. Vehicles shall be parked or displayed only in the areas designated on the site plan dated March 28, 2002 for parking and display. (ONGOING: CODE ENF - Zoning)
3. 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)
4. Condition 8. of Resolution R-87-123, Petition 80-236(A), which currently states:

There shall be no outside storage of debris, disassembled parts or disabled vehicles.

Is hereby amended to read:

Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)
6. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning)
7. 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 - Zoning)
8. Loading activities shall not be permitted off site, and shall be limited to the designated loading area. (ONGOING: CODE ENF - Zoning)

N. 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 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. (ONGOING: MONITORING - Zoning)