

RESOLUTION NO. R-93-174

RESOLUTION APPROVING ZONING PETITION DOA89-43(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JOHN STALUPPI

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

WHEREAS, Zoning Petition DOA89-43(B) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1993; 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 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 proposal is consistent with the Palm Beach County Comprehensive Plan.
2. This proposal is consistent with the requirements of the Palm Beach County Land Development Code and all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County 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 DOA89-43(B), the petition of JOHN STALUPPI, BY LAWRENCE W. SMITH, AGENT for a DEVELOPMENT ORDER AMENDMENT in the COMMERCIAL GENERAL (CG) Zoning District, to amend the site plan for a Vehicle Sales and Rental, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of January, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

Burt Aaronson
COUNTY ATTORNEY

BY:

Jim M. Blawie
DEPUTY CLERK

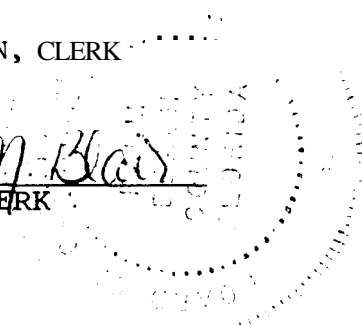


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTIONS:

Parcel 1

The East 125 feet of the West 750 feet of the North 111.04 feet of the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the South 30 feet thereof; said lands situate, lying and being in Palm Beach County, Florida.

Parcel 2

The East 125 feet of the West 875 feet of the North 111.04 feet of the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, A.K.A. Lot G-G Gardenettes, an unrecorded subdivision.

Parcel 3

The East 125 feet of the West 1125 feet of the North 81.04 feet; and the West 170.21 feet of the East 210.21 feet of the North 81.4 feet; all lying and being in the South One Half (S 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 4

The East 125 feet of the West 1000 feet of the North 111.07 feet of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, also known as Lot H-H, in Gardenettes, an unrecorded plat.

Containing in all 1.224 acres, more or less.

EXHIBIT B
VICINITY SKETCH

Sec. 1 Twp. 44 Rng. 42
Quadrant Sheet: 32
Aerial Page: 65-25

Vicinity
Sketch

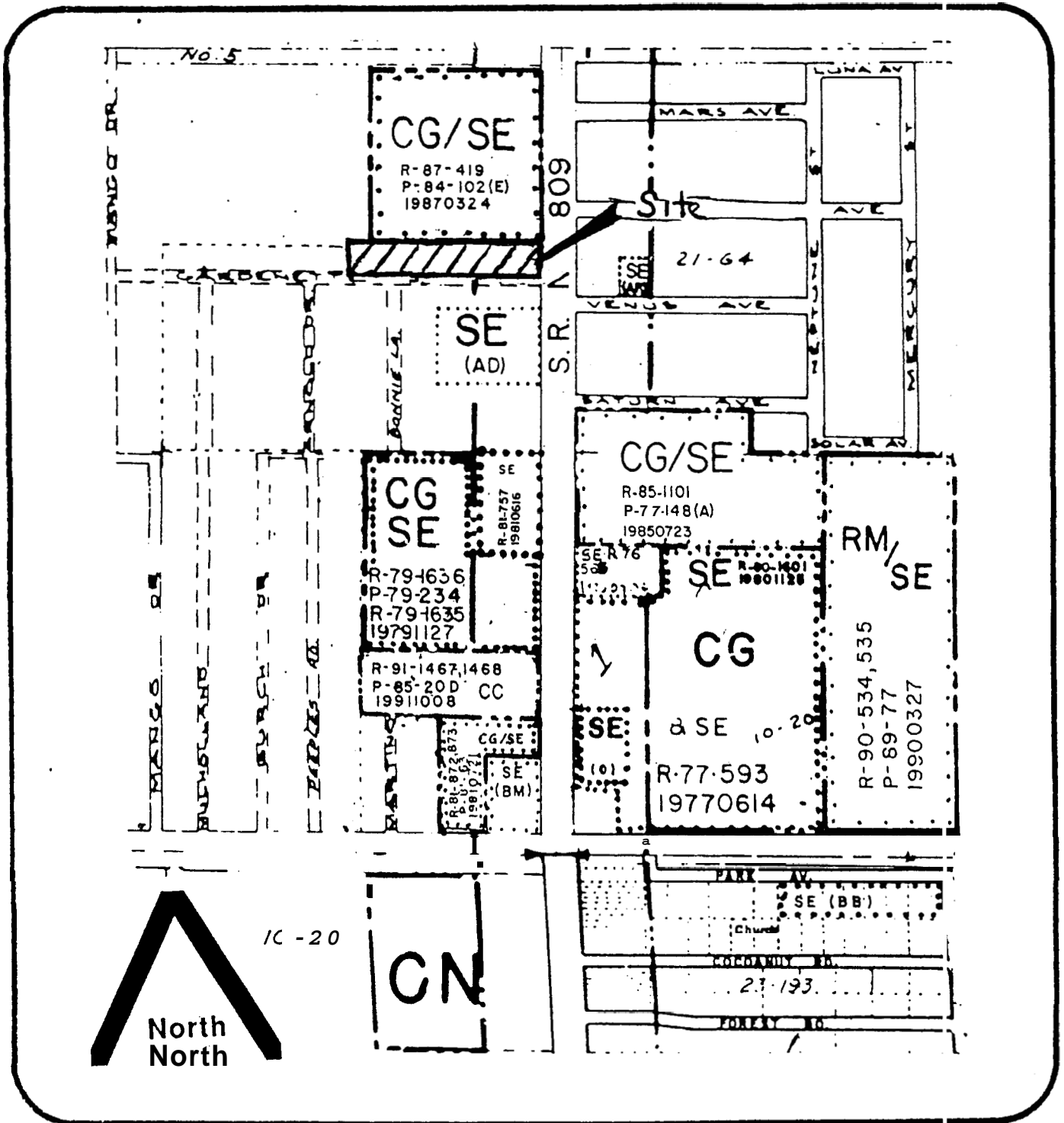


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Palm Beach County's Land Development Code Article 5 Compliance, as amended unless expressly modified (MONITORING)
2. There shall be no loading, unloading, standing or parking by any vehicles including employee parking within road rights-of-way. All related activity to be kept onsite. (CODE ENFORCEMENT)
3. Prior to Site Plan Review Certification by Development Review Committee the minimum number of required customer parking shall be designated clearly on the Site Plan indicating the appropriate signage and pavement markings. (ZONING)
4. No vehicles for display, sale, or lease shall be permitted to park in any area indicated as a customer parking area. (CODE ENFORCEMENT)
5. Simultaneously with the submittal for site plan review committee, the petitioner shall provide documentation substantiating the existence of all structures on site prior to February of 1973, or comply with the property development regulations set forth in Section 610.D of the Palm Beach County Zoning Code. Previously Condition No. 3, Petition No. 89-43, Resolution No. R-89-1619 (ZONING)
6. No stock loading or dumpster pickup will be permitted between the hours of 9:00 p.m. and 7:00 a.m. Previously Condition No. 4, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)
7. No advertising flags, foreign flags, pennants, banners, streamers, or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. Previously Condition No. 5, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)
8. No repair, maintenance or sale of parts or accessories shall be permitted on site. Previously Condition No. 6, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)
9. Outside storage of disassembled or inoperative vehicles or parts thereof, shall not be permitted on site. Previously Condition No. 7, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)
10. Customer vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways. Previously condition No. 8, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)

11. 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. Previously Condition No. 9, Petition No. 85-43, Resolution No. R-89-1619 (ZONING)
12. Vehicles shall not be tested off-site on streets in residential neighborhoods. Previously Condition No. 10, Petition No. 89-43, Resolution No. R-89-1619 (CODE ENFORCEMENT)
13. The rear portion of the lot, which extends beyond the mapped commercial designation line of the Comprehensive Plan shall be limited to water retention, landscaping and on grade parking. Previously Condition No. 21, Petition No. 89-43, Resolution No. R-89-1619
14. Condition No. 22 of Petition P-89-43 (A), Resolution R-89-1619 which states:

"The two (2) most eastern parking stalls located adjacent to Military Trail shall be limited to inventory parking only." Previously Condition No. 22, Petition No. 89-43, Resolution No. R-89-1619

Is hereby deleted

15. The western four hundred fifty feet (450') of the site shall be used for inventory storage only. Previously Condition No. 3, Petition No. 89-43(A), Resolution No. R-90-846 (ZONING)
16. Site lighting on the western four hundred feet (400)' of the site shall be low intensity, directed away from nearby residences and no greater than twelve (12) feet in height. Previously Condition No. 4, Petition No. 89-43(A), Resolution No. R-90-846 (CODE ENFORCEMENT)
17. There shall be no access permitted to Gardenette. Previously Condition No. 14, Petition No. 89-43(A), Resolution No. R-90-846

Is hereby deleted

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. 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. Previously Condition No. 14, Petition No. 89-43, Resolution No. R-89-1619 (HEALTH-ERM)
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. Previously Condition No. 16, Petition No. 89-43, Resolution No. R-89-1619 (HEALTH)

C. 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. Previously Condition No. 11, Petition No. 89-43, Resolution No. R-89-1619 (HEALTH)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site. Previously Condition No. 12, Petition No. 89-43, Resolution No. R-89-1619 (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 13, Petition No. 89-43, Resolution No. R-89-1619 (HEALTH)
4. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. Previously Condition No. 19, Petition No. 89-43(A), Resolution No. R-90-846 (HEALTH)

D. LANDSCAPING

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required tabular verifying the amount of interior landscaping to be transferred to the perimeter strips;
 - b. A clear corner distance of ten (10) feet at the intersection of all accessways and public rights-of-way; and,
 - c. A clear corner distance of twenty-five (25) feet at the intersection of two (2) public rights-of-way.

Previously Condition No. 1, Petition No. 89-43, Resolution No. R-89-1619 (ZONING)

2. Perimeter landscaping along the south and east property lines shall be upgraded to include twelve (12) foot native canopy trees planted twenty (20) feet on center, a forty-two (42) inch hedge, and one (1) native palm for each twenty (20) feet of frontage. The five (5) foot landscape strip between the auto mall and this property shall be transferred to the landscape buffer adjacent to Gardenette Road. Previously Condition No. 2, Petition No. 89-43, Resolution No. R-89-1619 (ZONING)
3. Prior to Site Plan Review Committee approval, the site plan shall be amended to indicate the following:
 - a. Perimeter landscaping along the southern and western property lines, shall be upgraded to include:
 - 1) Twelve foot canopy trees planted twenty feet (20') on center.
 - 2) A thirty-six (36") hedge.
 - 3) A minimum fifteen foot (15') wide landscape buffer area.
 - 4) One (1) native palm for each twenty (20) lineal feet.

- 5) Six foot (6') CBS wall constructed on the inside edge of the required landscape buffer .
- 6) All trees on site shall be permitted to reach and maintained at a minimum height of fifteen feet (15'), and maintained according to the National Arbor Society Standards.

Previously Condition No. 2, Petition No. 89-43 (A), Resolution No. R-90-846

E. ENGINEERING

1. **Simultaneously with Site Plan Review Committee application, the petitioner shall submit for review two copies of:**
 - a. **A recorded cross access/parking agreement which specifies that minimum parking, storage of inventory and off-loading of inventory will be allowed on the property to the north; and,**
 - b. **A recorded Unity of Control which commits both properties to be developed according to the approved site development plan encompassing both properties.**

Previously Condition No. 18, Petition No. 89-43, Resolution No. R-89-1619 (COUNTY ATTORNEY)

2. **Prior to July 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by easement for Gardenette Road, an additional 7 feet free of all encumbrances and encroachments. Property owner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. Previously Condition No. 21, Petition No. 89-43(A), Resolution No. R-90-846**

Shall be amended to state:

Prior to April 1, 1993, the property owner shall convey to Palm Beach County Land Development Division by Easement an additional seven (7) feet for Gardenette Street and Right-of-way Warranty Deed for Military Trail 60 feet from centerline free of all encumbrance; and encroachments. Property owner 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 and/or Easement conveyances shall also include an easement for "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (County has record of prior dedication of Gardenette easement, but no record of dedication of additional Right-of-way required from Military Trail or Safe Sight Corner). (MONITORING)

3. **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. Previously Condition No. 22, Petition No. 89-43(A), Resolution No. R-90-846 (BUILDING)**

F. LANDSCAPE WITHIN MEDIAN

- 1. Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of groundcover along the entire length of the adjacent median to be planted. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees: Laurel Oak, Live Oak, Slash Pine, Sabal Palmetto; Groundcover: Wedilia, Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before August 31, 1993. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (MONITORING/ENGINEERING/BUILDING)

G. SIGNS

- 1. No off premise signs shall be permitted on site. Previously Condition No. 6, Petition No. 89-43(A), Resolution No. R-90-846 (BUILDING)
2. No Point of Purchase signage shall be permitted on the Gardenette Street frontage. Previously Condition No. 13, Petition No. 89-43(A), Resolution No. R-90-846 (BUILDING)

H. COMPLIANCE

- 1. Prior to Site Plan Review Committee approval, the petitioner shall comply with all Compliance Department actions, requirements and pay all fines. Previously Condition No. 23, Petition No. 89-43(A), Resolution No. R-90-846

Shall be amended to state:

"Prior to Site Plan Certification by the Development Review Committee, the petitioner shall comply with all Compliance Department actions, requirements and pay all fines outstanding." (CODE ENFORCEMENT)

2. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Previously Condition No. 24, Petition No. 89-43(A), Resolution No. R-90-846 (MONITORING)