

RESOLUTION APPROVING ZONING PETITION NO. 86-32(I)
SPECIAL EXCEPTION PETITION OF COURTYARD SHOPS ASSOC. LTD.

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. 86-32(I) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 30, 1992; 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. 86-32(I), the petition of COURTYARD SHOPS ASSOC. LTD., for a SPECIAL EXCEPTION TO ALLOW A CAR WASH (SELF SERVICE/AUTOMATIC), on Tract "B", of SUGAR POND MANOR OF WELLINGTON, according to the plat thereof, as recorded in Plat **Book** 30, Pages 20 through 32, of the public records of Palm Beach County, Florida; LESS, however, that portion of said Tract "B", lying northeasterly of a line 272.91 feet southwesterly from, as measured at right angles and parallel with the line common to said Tract "B" and Block 66 of said Plat of Sugar Pond Manor; containing 788,360.5 square feet or 18.098 acres more or less, located S. OF WELLINGTON TRACE, E. OF GREENVIEW SHORES BLVD., IN THE AR ZONING DISTRICT, was approved on July 30, 1992 as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, and in accordance with Article 5, Section 8, of the Palm Beach County Land Development Code. (MONITORING)

2. The conditions contained herein, with the exception of Condition A.1. shall apply only to the subject property. (MONITORING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 4,250 square feet. (BUILDING)
2. The maximum height, measured from finished grade to roof line, for all structures shall not exceed twenty (20) feet. (BUILDING)
3. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the proposed building. (BUILDING)
4. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (BUILDING)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
 - a. not be located within fifty (50) feet **of** Greenview Shores Boulevard;
 - b. be confined to areas designated on the site plan; and,
 - c. be screened by a solid opaque enclosure. The open end **of** the enclosure shall have an obscuring, opaque gate. (ZONING/BUILDING)
2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING/Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The proposed car wash shall utilize a **100%** water recycling system. (BUILDING)

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 onsite 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 (COUNTY ENGINEER).

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 (COUNTY ENGINEER).
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. The Fair Share Fee for this car wash presently is **\$9,130**. (55 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. 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. (HEALTH)
2. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (HEALTH-Building)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

H. LANDSCAPING - GENERAL

1. All trees required to be installed on the subject property by this petition shall meet the following minimum standards:
 - 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. (ZONING)

I. LANDSCAPING - INTERIOR

1. **All** interior landscape islands, terminal parking islands and vehicle divider medians shall include, at a minimum, one native canopy tree or palm tree and appropriate ground cover. (ZONING)

J. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping within the required buffer along Green view Shores Boulevard shall be upgraded **to** include:
 - a. One **(1)** native canopy tree planted every twenty (20) feet on center.
 - b. One **(1)** native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center **at** installation. (ZONING)

K. LANDSCAPING ALONG INTERIOR PROPERTY LINES

1. Landscaping and buffering along all interior property lines shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip.
 - b. One **(1)** native canopy tree planted every twenty (20) feet on center.
 - c. **One** (1) native palm tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - d. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation. (ZONING)

L. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be **of** low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. **All** lighting fixtures shall not exceed twenty (20) feet in height. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

M. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (CODE ENFORCEMENT)

N. RECYCLE SOLID WASTE

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. (SWA)

O. SIGNS

1. Point of purchase signs on site shall be limited as follows:
 - a. maximum sign height, measured from finished grade - ten (10) feet;
 - b. maximum sign face area per side - 50 square feet;
 - c. maximum number of signs - one (1). (BUILDING)

P. USE LIMITATION

1. Use of the site shall be limited to an automatic/self service car wash facility and custocary accessory uses. (BUILDING)
2. No outdoor loudspeaker system audible off site shall be permitted on site. (CODE ENFORCEMENT)
3. No business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. (CODE ENFORCEMENT)
4. No storage or placement of any material, refuse, equipment or debris shall be permitted on site. (CODE ENFORCEMENT)

Q. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any 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;
 - c. Rezoning of the property;

- d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (MONITORING-Zoning)
2. 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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK --