

RESOLUTION NO. R-95- 1476

RESOLUTION APPROVING ZONING PETITION DOA87-41(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WALLACE LINCOLN MERCURY, INC.
BY DONALDSON E. HEARING, AGENT

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 DOA87-41(E) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 1995; 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 therefore 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 DOA87-41(E), the petition of Wallace Lincoln Mercury, Inc., by Donaldson E. Hearing, agent, for a Development Order Amendment (DOA) to add land area to an approved site plan, previously approved 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 October 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

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

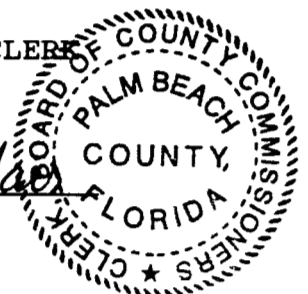


EXHIBIT A

LEGAL DESCRIPTION

Exhibit A

A parcel of land in the Northeast One-Quarter of the Northwest One-quarter of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commence at the North One Quarter Section corner of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, thence North $88^{\circ} 27' 22''$ West, along the North line of the Northeast one-quarter of the Northwest one-quarter of said Section 19, a distance of 331.69 feet to a point; thence South $01^{\circ} 30' 38''$ West for a distance of 75.00 feet to a point on the South Right-of-way line of Lake Park West Road; thence North $88^{\circ} 27' 22''$ West along the South Right-of-way of said Lake Park West Road for a distance of 149.96 feet to a point of beginning and the Northeast corner of the herein described parcel and also the point of intersection with the West Right-of-way line of Lyndall Lane, as now laid out and in use; thence South $01^{\circ} 30' 38''$ W., along the said West Right-of-way line, a distance of 146.59 feet; thence South $05^{\circ} 11' 45''$ West a distance of 11.78 feet; thence South $16^{\circ} 53' 50''$ West a distance of 91.28 feet; thence South $10^{\circ} 16' 50''$ West a distance of 193.98 feet; thence South $01^{\circ} 31' 30''$ West a distance of 23.14 feet; thence North $88^{\circ} 27' 22''$ West, parallel with the North line of said Northeast one-quarter of the Northwest one-quarter of Section 19, a distance of 168.50 feet, more or less, to a point of intersection with the East line of the West 125 feet of the East one-half of the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of said Section 19, as said East line is presently occupied; thence South $01^{\circ} 31' 14''$ West, along said East line, a distance of 798.06 feet, more or less, to a point of intersection with the South line of the Northeast one-quarter of the Northwest one-quarter as shown in the plat of PARKWAY VILLAGE as recorded in Plat Book 37 at Pages 41 and 42, Public Records of Palm Beach County, Florida, thence North $88^{\circ} 12' 05''$ West, along the said South line, a distance of 291.76 feet, more or less, to a point of intersection with the West line of the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of said Section 19, thence North $01^{\circ} 32' 46''$ East, along said West line, a distance of 958.00 feet, more or less, to a point of intersection with the South line of the North 375 feet of said Northeast one-quarter of the Northwest one-quarter of said Section 19; thence South $88^{\circ} 27' 22''$ East, along said South line, a distance of 166.33 feet, more or less, to a point of intersection with the West line of the East one-half of the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of said Section 19, as said West line is evidenced by present occupation of line parallel with and 125 feet East of said West line; thence North $01^{\circ} 31' 14''$ East, along said West line, a distance of 200 feet, thence South $88^{\circ} 27' 22''$ East, parallel with the North line of Northeast one-quarter of the Northwest one-quarter of said Section 19, a distance of 15.00 feet; thence North $01^{\circ} 31' 14''$ East a distance of 100 feet to a point of intersection with the South right-of-way line of said Lake Park West Road; thence South $88^{\circ} 27' 22''$ East, along said South Right-of-way line, a distance of 332.98 feet to the Point of Beginning.

Containing in all 9.37 acres, more or less.

EXHIBIT B
VICINITY SKETCH

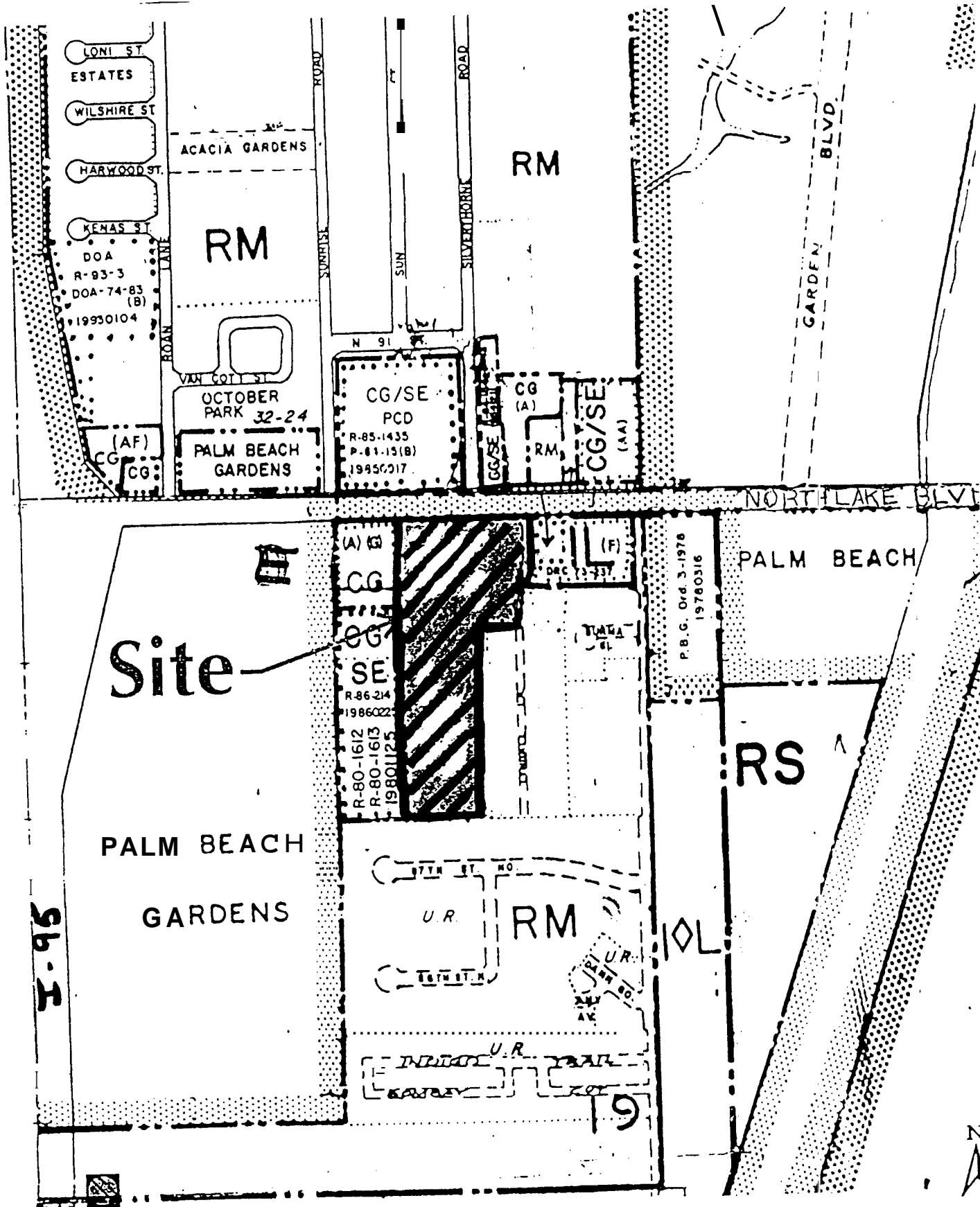


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The petitioner shall comply with all previous conditions of approval contained in Resolution R-90-1286 (Petition 87-41(C)) and deadlines previously established by Section 5.8 of the ULDC, unless expressly modified. (MONITORING-Zoning)

B. LANDSCAPING - NORTHLAKE BOULEVARD

1. All trees shall be installed along the south side of Northlake Boulevard at a minimum fourteen (14) foot height planted at the equivalent of one tree per twenty (20) linear of property line. (ZONING-Landscape)

C. SIGNAGE

1. Prior to final Development Review Committee certification, petitioner shall submit a master signage program with all proposed/existing sign locations, heights and sign face area. (BUILDING-Zoning)
2. Only three (3) free-standing signs shall be permitted on Northlake Boulevard. These signs shall be limited in height to one thirty (30) foot and two twenty (20) foot signs. (BUILDING-Zoning)
3. Petitioner shall remove the existing sign located in the southwest safe corner of Northlake Boulevard and Lyrdall Lane prior to December 27, 1995. (BUILDING-Zoning)

D. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked with hoods or trunks open. (CODE ENFORCEMENT/Zoning)
2. Vehicles shall not be elevated off the ground in any way. (CODE ENFORCEMENT/Zoning)
3. Vehicles shall only be parked or displayed only in the areas designated for parking or display on the certified site plan. Appropriate signs shall be posted restricting designated areas for customer parking only. (CODE ENFORCEMENT/Zoning)
4. 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. (CODE ENFORCEMENT)
5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (CODE ENFORCEMENT)
6. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (CODE ENFORCEMENT)
7. There shall be no outdoor repair of vehicles on site. (CODE ENFORCEMENT)
8. When this facility is not open, the parking area shall be locked and gated. (CODE ENFORCEMENT)

E. ENGINEERING

1. Prior to January 1, 1996 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed a "**Corner Clip**" at the intersection of Lyndall Lane and Northlake Boulevard. The 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. (BUILDING - Engineering)
2. 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, Zoning Petition **87-41(E)**, to be paid at the time of issuance of the Building Permit presently is **\$2,255.00 (41 trips X \$55.00 per trip)**. (IMPACT FEE COORDINATOR)
3. LANDSCAPE WITHIN MEDIAN
 - A. Prior to February 1, 1996, the property owner 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, at a minimum, consist of the "**Low Cost Planting Concept**" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (MONITORING - Engineering)
 - B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 1996. (MONITORING - Engineering)
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to May 1, 1996 to reflect this obligation. (BUILDING - County Attorney)

F. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a **form** acceptable to the County Attorney. (COUNTY ATTORNEY)

G. 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; 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.

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)