

RESOLUTION NO. **R-98-** 1124

RESOLUTION APPROVING ZONING PETITION CA98-11
CLASS A CONDITIONAL USE
PETITION OF MADELINE DESANTI
BY FRED J. POPPER, AGENT
(GENERAL GMC TRUCK)

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 CA98-11 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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 CA98-11, the petition of Madeline DeSanti, by Fred J. Popper, agent, for a Class A Conditional Use (CA) to allow Vehicle Sales and Service 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 July 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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


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

The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

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 of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the right; of way for Military Trail a now laid out and in use.

A/K/A the southwest one-quarter of Tract 5, Block 1 Palm Beach Plantations (Model Land Company) Plat No. 1 as recorded in Plat Book 10, Page 20 for the Public Record;; of Palm Beach County, Florida (in Section 1, Township 44 South, Range 42 East).

Contains 4.714 Acres.

EXHIBIT B

VICINITY SKETCH

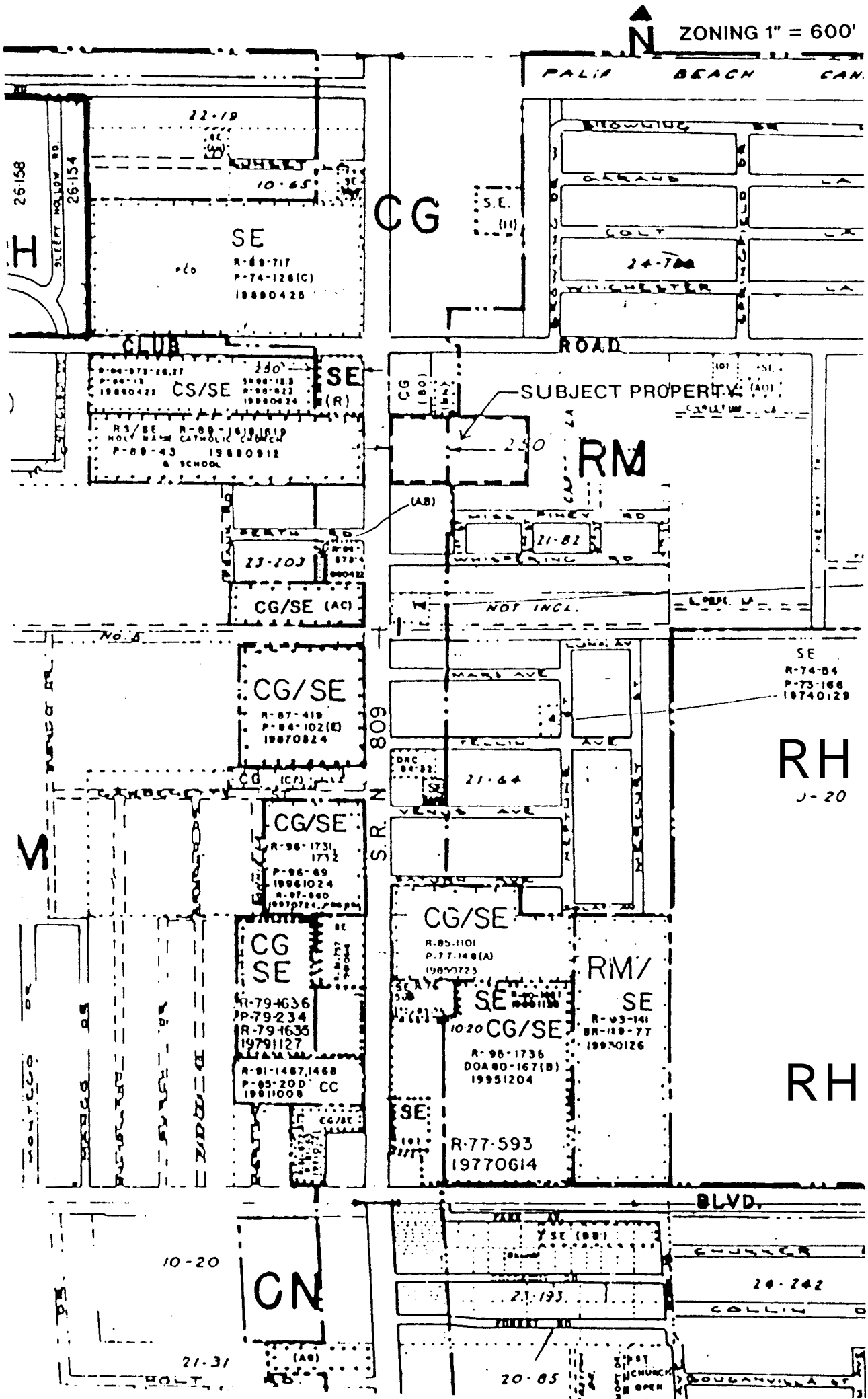


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 July 7, **1998**. 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. Total gross floor area shall be limited to a maximum of 22,507 square feet. (DRC: ZONING)
2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: 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 or 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 ENF)
3. The occupant or tenant of this facility shall participate in an oil recycling program which ensures reuse or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (**12**) 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.
 - 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 by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)

E. ENGINEERING

1. The final drainage plan for the site submitted to the Land Development Division for approval shall address all minimum County and South Florida Water Management Division Criteria. Included in this design shall be an analysis of existing offsite surface flows from the subject site. The final drainage design for this site shall accommodate all offsite drainage from the site for a three (3) year twenty four (24) hour storm event. (DRAINAGE APPROVAL: ENG)

F. LANDSCAPING - INTERIOR

1. The petitioner shall provide a minimum of one (1) interior landscape island for every twelve (12) parking space interval designated as customer/service, display and employee parking spaces. (DRC: ZONING)
2. Foundation planter strips shall be provided along the facades of the buildings (excluding service bay area). The minimum width of the required planter strip shall be five (5) feet. The combined length of the required planter strip shall be no less than 40% of the accumulative length of the applicable side of the structure. All required planter strips shall be planted with appropriate trees, shrubs and ground cover. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG THE WEST 315 FEET OF NORTH PROPERTY LINE AND THE WEST 315 FEET OF SOUTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping along the above property line shall include:
 - a. A five (5) foot wide landscape buffer strip;
 - b. A minimum eight (8) foot high black, vinyl coated chain link fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and
 - b. 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 forty-eight (48) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST 300 FEET OF NORTH PROPERTY LINE

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 1. Landscaping along the above property line shall include:

- a. A ten (10) foot wide landscape buffer strip;
 - b. A minimum eight (8) foot opaque concrete wall. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; 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 forty-eight (48) inches. (CO: LANDSCAPE)
3. The following landscaping requirements shall be installed on the interior side of the required fence:
- a. 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 forty-eight (48) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE AND THE EAST 300 FEET OF SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
- a. A ten (10) foot wide landscape buffer strip;
 - b. A minimum eight (8) foot high black, vinyl coated chain link fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; 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 forty-eight (48) inches. (CO: LANDSCAPE)
3. The following landscaping requirements shall be installed on the interior side of the required fence:
- a. 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 forty-eight (48) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. Landscaping and buffering along the property line shall include:
- a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;

- c. one (1) palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty **(60)** feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
- d. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

K. LIGHTING

- 1. **All** outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. **All** outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. **All** outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. 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)

L. PARKING

- 1. The fifty two **(52)** Parking spaces required for both employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces. (DRC / ONGOING: ZONING / CODE ENF)
- 2. Bull pen parking shall be limited to the inventory/storage spaces located in the rear of the site. (DRC / ONGOING: ZONING / CODE ENF)

M. SIGNS

- 1. No off premise signs shall be permitted on site. (ONGOING: CODE ENF)
- 2. Any wall signs shall be limited to the north and west facades of the showroom/sales building and the south and west facades of the existing parts building. (CO: BLDG. PERMIT)
- 3. No additional freestanding signs except for directional signs shall be permitted on site. (ONGOING: CODE ENF)

N. USE LIMITATIONS

- 1. Hours of operation including deliveries (excluding delivery of parts) shall be limited to 6:00 a.m. and 9:00p.m. Monday to Friday, 7:00 am to 5 p.m. Saturday, 12:00 p.m. to 5 p.m. Sundays. Sunday operation is limited to sales only and no service repairs or deliveries. Delivery of parts shall be permitted twenty-four **(24)** hours a day and seven (7) days a week. (ONGOING: CODE ENF - Zoning)
- 2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

3. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)
4. The rear one hundred (100) feet depth of the site is limited to dry retention use and for preservation of existing trees. (CO/ONGOING: BLDG - Zoning/CODE ENF)

O. VEHICLE SALES OR RENTAL

1. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning)
2. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF -Zoning)
3. A maximum of 38 trucks shall be displayed only in the areas designated on the certified site plan dated June 17, 1998. (ONGOING: CODE ENF - 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. (ONGOING: CODE ENF - Zoning)
5. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG -Health)
6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
7. The designated unloading area shall be limited a minimum of one hundred (100) feet from the north, south and east residential property lines. (ONGOING: CODE ENF - Zoning)
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF -Zoning)
9. There shall be no outdoor repair of vehicles on site. (ONGOING: C 3DE ENF - Zoning)
10. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF -Zoning)
11. Vehicles shall not be test driven on residential streets. (ONGOING - CODE ENF)

P. 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 noncompliance, 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)