

RESOLUTION NO. R-98-1310

RESOLUTION APPROVING ZONING PETITION CA97-110
CLASS A CONDITIONAL USE
PETITION OF PACKER FAMILY LTD. PARTNERSHIP
BY ROBERT BASEHART, AGENT
(AL PACKER FORD USED TRUCKS)

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 CA97-110 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 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 CA97-110, the petition of Packer Family Ltd. Partnership, by Robert Basehart, agent, for a Class A Conditional Use (CA) to allow Vehicle sales 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 August 27, 1998, 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 Foster and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 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

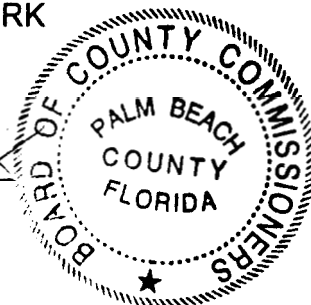


EXHIBIT A
LEGAL DESCRIPTION

LOTS 11-20 INCLUSIVE, BLOCK 3 OF THE AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, & 6 AND THE NORTHERN PART OF BLOCK A, WEST GATE ESTATES AS RECORDED IN PLAT BOOK 9 PAGE 20 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE NORTHERLY 12 FEET THEREOF FOR ROAD RIGHT-OF-WAY FOR OKEECHOBEE BOULEVARD PER ORDER OF TAKING (O.R.B. 7201, PG. 1037).

CONTAINING **26,500** SQUARE FEET (0.608 ACRES)

EXHIBIT B
VICINITY SKETCH

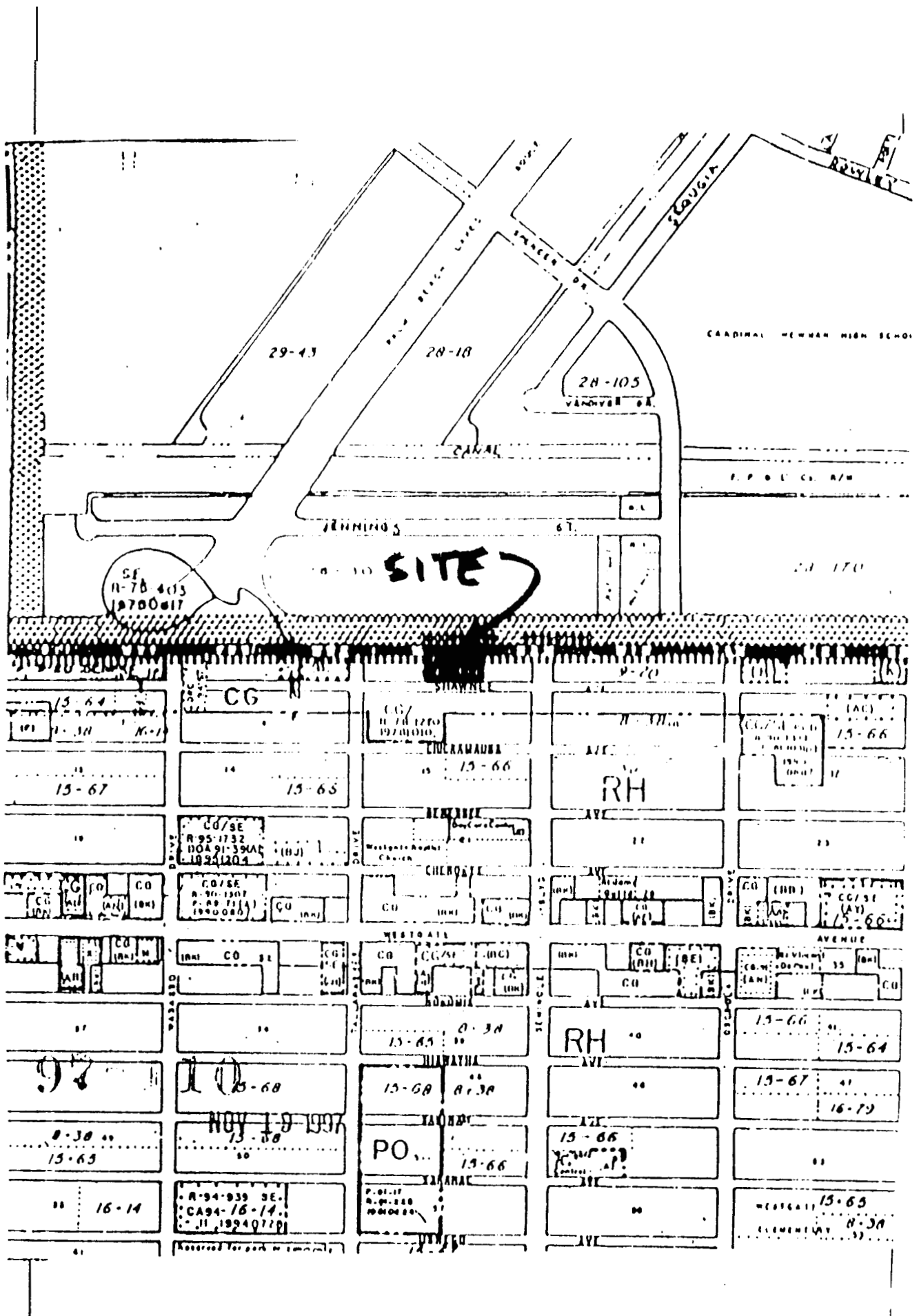


EXHIBIT C

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 May 28, 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. ACCESS

1. Vehicular access to the site shall be prohibited from Shawnee Avenue. (DRC: ZONING)

C. ARCHITECTURAL CONTROL

1. The proposed one story building shall be designed and constructed to be consistent with the facade elevations by David Porter Associates dated May 28, 1998. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment 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)
4. The maximum height for the proposed one story building, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty (20) feet. (BLDG PERMIT: BLDG - Zoning)

D. AUTOMOBILE AND TRUCK SALES

1. Use of the site shall be limited to the sale of automobiles and trucks. A maximum of fifty (50) vehicles shall be stored on site at any time. (ONGOING: CODE ENF)
2. Display and Inventory vehicles shall be parked only in the areas designated on the May 28, 1998 site plan. (ONGOING: CODE ENF - Zoning)
3. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF)
4. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF - Zoning)
6. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F. 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)

G. LANDSCAPING - STANDARD

1. Fifty (50) percent of all canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - 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; and,
 - 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;
 - 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)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD)

1. Landscaping along the Okeechobee Boulevard frontage shall be upgraded to include:
 - a. One (1) canopy tree planted every thirty (30) feet on center;
 - b. One (1) booted Sabal Palm for each thirty (30) linear feet of frontage with a maximum spacing of eighty (80) feet between clusters. A group of three or more palms 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 thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (SHAWNEE AVENUE)

1. Landscaping along the Shawnee Avenue frontage shall be upgraded to include:
 - a. One (1) canopy tree planted every thirty (30) feet on center;

- b. One **(1)** booted Sabal Palm for each thirty (30) linear feet of frontage. A group of three or more palms 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 sixty (60) inches. (CO: LANDSCAPE)

J. SIGNS

- 1. The existing billboard and the two existing twenty-five (25) foot high pylon signs shall be removed on or before August 1, 2002. No administrative time extensions shall be allowed. The two freestanding signs may be replaced subject to permitted sign heights and sign face area as allowed by the Sign Code in effect at that time. (DATE/MONITORING: CODE ENF/ZONING)
- 2. Wall signage shall be limited to the north facade only. (BLDG PEF MIT: BLDG - Zoning)

K. 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 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)



SEP 15 1998

Department of Planning,
Zoning & Building
170 Australian Avenue

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

http://www.palm-beach.com

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *fmh*
DATE: September 3, 1998
RE: Amended Conditions from the August 27, 1998
and September 1, 1998 BCC

Palm Beach County,
Board of County
Commissioners

- John A. Pappalardo, Chairman
- Maudie-Rose Lee, Vice-Chair
- Karen T. Marcus
- Carol A. Roberts
- Warren F. Newell
- Mary McFarland
- John B. Star

County Administrator

Robert Weisman, Jr.

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 27, 1998. The following petitions were amended:

- | | |
|--------------|----------------------------|
| DOA96-85A | RECIO REZONING |
| CA97-110 | AL PACKER FORD USED TRUCKS |
| DOA95-02(A) | BONVIE MUPD - BURDINES |
| PDD98-13 | MILITARY & LANTANA MUPD |
| Z98-42 | SOUTHERN RETAIL |
| CA98-43 | MERKERT FAMILY MAUSOLEUM |
| PDD98-10 | TURNER MUPD |
| DOA81-152(D) | BOYNTON TRAIL CENTRE |

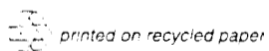
The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 1, 1998. The following petition was amended:

- | | |
|---------|------------------|
| CA98-34 | COUNTRY PURSUITS |
|---------|------------------|

Please contact me at 233-5234 if you have any questions.

F:\COMMON\WPDATA\PROD\BCC\1998\CONDITIO.MEM

Mr. Eyal Department
Alternative Action Employee



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