

RESOLUTION NO. R-98-2034

RESOLUTION APPROVING ZONING PETITION CA78-231(A)  
CLASS A CONDITIONAL USE  
PETITION OF WASH DEPOT VII, INC.  
BY MICHAEL SHOOK, AGENT  
(WASH DEPOT VII)

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 CA78-231(A) was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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 CA78-231(A), the petition of Wash Depot VII, Inc., by Michael Shook, agent, for a Class A Conditional Use (CA) to allow General repair and maintenance (quick lube) in the General Commercial (CG)/Special Exception (SE) 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 October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	--	Aye
Mary McCarty	--	Aye
Burt Aaronson	—	Aye
Tony Masilotti	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

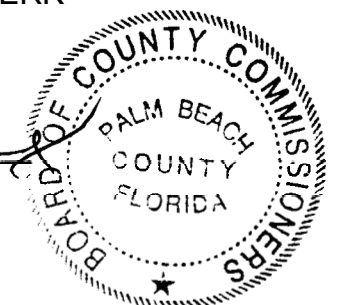
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

BEING THE WEST THREE HUNDRED FIFTY FEET (350') OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THAT PORTION OF TRACT 6, BLOCK 1, IN THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS PER PLAT OF PALM BEACH PLANTATIONS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE SOUTHWEST CORNER OF LANG'S ACRES, AS SHOWN IN PLAT BOOK 23, PAGE 104, FOR A POINT OF BEGINNING; RUN THENCE EAST ON THE SOUTH LINE OF LANG'S ACRES, A DISTANCE OF 792 FEET TO A POINT; THENCE RUN IN A SOUTHERLY DIRECTION, A DISTANCE OF 165 FEET TO A POINT; THENCE RUN WEST, PARALLEL TO THE SOUTH LINE OF SAID LANG'S ACRES, A DISTANCE OF 792 FEET TO THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUN NORTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL TO THE POINT OF BEGINNING -LESS THE WEST 20 FEET FOR RIGHT-OF-WAY.

ALSO DESCRIBED AS FOLLOWS:

A PART OF TRACT 6, BLOCK 1, PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

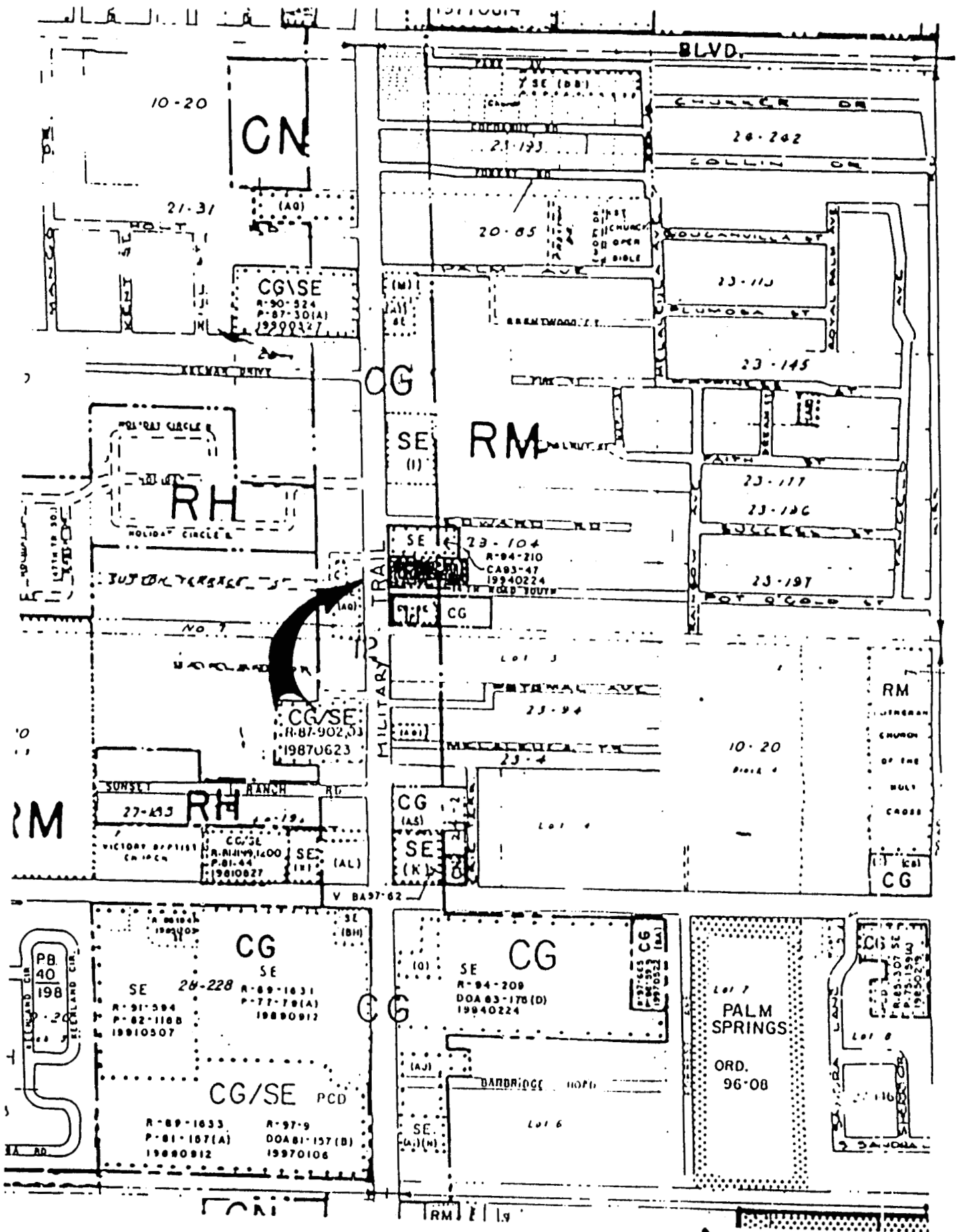
COMMENCE AT THE SOUTHWEST CORNER OF LOT 21 OF LANG'S ACRES AS RECORDED IN PLAT BOOK 23, PAGE 104 OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA. THENCE N 89°53'31" E, ALONG THE SOUTH BOUNDARY OF SAID LANG'S ACRES, A DISTANCE OF 20.02 FEET TO THE POINT OF BEGINNING. SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE CONTINUE N 89°53'31" E, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 350.16 FEET; THENCE, DEPARTING SAID SOUTHERLY BOUNDARY LINE, S 2°45'59" E A DISTANCE OF 164.65 FEET; THENCE IN 90°00'00"W A DISTANCE OF 350.19 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF MILITARY TRAIL; THENCE N 2°45'59" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 163.98 FEET TO THE POINT OF BEGINNING.

LESS THAT CERTAIN RIGHT-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 3002, PAGE 1770, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL ACREAGE: 1.078 ±

SECTION: 12  
TOWNSHIP: 44S  
RANGE: 42E

EXHIBIT B  
VICINITY SKETCH



SCALE: 1" = 600'-0"



701111

## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-78-1415 (Petition 78-231) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. 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 September 8, 1998 and the approved architectural elevations dated September 8, 1998 by Crain Engineering Company, Inc. (Drawing date 7/22/98). 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. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
2. 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)

#### 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 owner generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. The owner, occupant or tenant of this facility shall participate in an oil recycling program which ensures proper re-use or disposal system of any waste oil. (ONGOING: HEALTH/CODE ENF)
3. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF)

#### D. LANDSCAPING - STANDARD

1. 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, except on individual residential lots, 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)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Condition 1 of Resolution 78-1415, Petition 78-231 which currently states:
- Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of sixty (60) feet from the centerline for Military Trail right-of-way. [COMPLETE]**
2. Condition 2 of Resolution 78-1415, Petition 78-231 which currently states:
- Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of thirty (30) feet from the centerline for 140<sup>th</sup> Road South right-of-way.**
- Is hereby amended to read:
- Prior to DRC approval of the amended Site Plan for Zoning Petition 78-231 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for 14th Road south, 30 feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
3. **Petitioner shall align the turnouts on 14<sup>th</sup> Road South with the turnouts approved for Petition No. 78-214 (Roast Beefery).** (Previously Condition 3 of Resolution R-78-1415, Petition 78-231) [COMPLETE]
4. **Petitioner shall participate in the paving of 14<sup>th</sup> Road South from Military Trail to the east property line.** (Previously Condition 4 of Resolution R-78-1415, Petition 78-231) [COMPLETE]

F. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking space;. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. All interior planting shall include the following:
  - a. One (1) canopy tree per one hundred (100) square feet and appropriate groundcover.

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the above property line shall include:
  - a. A minimum five (5) foot wide landscape buffer strip;
  - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
  - c. One (1) palm for each twenty (20) 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 materials 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 SOUTH PROPERTY LINE (ABUTTING 14<sup>th</sup> ROAD SOUTH)

1. Prior to DRC certification of the site plan, the petitioner shall be required to obtain a variance for the landscape buffer along the south property line. The variance is specifically on the width reduction from fifteen (15) feet to five (5) feet. (DRC/B of A: Zoning)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition 5 of Resolution 78-1415, Petition 78-231 which currently states:

**The landscape buffer along the east property line shall be increased to a minimum of twenty (20) feet.**

Is hereby amended to read:

1. Landscaping and buffering along the above property line shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A six (6) foot high opaque concrete wall.
  - c. Credit may be given for existing wall structure provided they meet current ULDC requirements. (CO: LANDSCAPE)
2. The following landscaping shall be installed along the interior side of the wall:
  - a. One (1) canopy tree spaced no more than twenty (20) feet on center;
  - b. 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.

- c. Twenty four **(24)** inch high shrub or hedge materials 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 THE WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the above property line shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
  - c. One (1) palm for each twenty (20) 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 materials 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)

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 **8:00** 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. PLANNING

1. Prior to final DRC site plan certification, the petitioner shall relocate the dumpster pad currently shown in the hatched area as being located in the portion of the site that is not hatched. (DRC: PLANNING)

M. RECYCLE OIL

1. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH)

N. SIGNS

- ~~1. Any wall signs shall be restricted to the south and west facades of the building. (CO: BLDG)~~
- 2.1 No additional freestanding signs except for directional signs shall be permitted on site. (ONGOING: CODE ENF)



O. USE LIMITATIONS

1. Use of the site shall be limited to 3,024 square feet of carwash facility, 756 square feet of office and 1,200 square feet of lube facility. Total gross floor area shall be limited to 4,980 square feet. (DRC: ZONING)
2. The rear one hundred (100) feet depth of the site is limited to retention, landscaping and at-grade parking use only. (CO/ONGOING: BLDG - Zoning/CODE ENF)
3. **No structural improvements shall be allowed within one hundred (100) feet of the east property line as shall be established by deed restrictions.** (CO/ONGOING: BLDG -Zoning/CODE ENF) Previous Condition 6 of Resolution R78-1415, Petition 78-231
4. An automatic car wash facility shall utilize a 100% water recycling system. (CO: BLDG -Health)
5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
6. Condition 7 of Resolution 78-1415, Petition 78-231 which currently states:  
**The subject commercial use shall close at 6:00 p.m.**  
  
Is hereby amended to read:  
  
Business activities, including deliveries shall be limited to 7:00 a.m. to 6:00 p.m. Monday to Sunday. (ONGOING: CODE ENF)
7. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: EILDG -Zoning/CODE ENF)
8. No banners, flags, balloons, snipe signs, etc. shall be permitted on site. All advertisements shall be in conformance with the Palm Beach County Sign Code. (ONGOING: CODE ENF)
9. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
10. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
11. Outdoor retail business activities shall not be allowed on site, excluding deliveries only. (ONGOING: CODE ENF - Zoning)
12. No overnight parking for the public or employees shall be permitted on the site. (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 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)