

RESOLUTION NO. R-99- 2254

RESOLUTION APPROVING ZONING PETITION CA99-055  
CLASS A CONDITIONAL USE  
PETITION OF ESFANDIAR BEHBOUDI AND GEORGE KONCIR  
BY JEFF IRAVANI, AGENT  
(ATLANTIS AUTO)

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 CA99-055 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1999; 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 CA99-055, the petition of Esfandiar Behboudi and George Koncir, by Jeff Iravani, agent, for a Class A Conditional Use (CA) to allow repair and general maintenance 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 December 2, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1999.

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

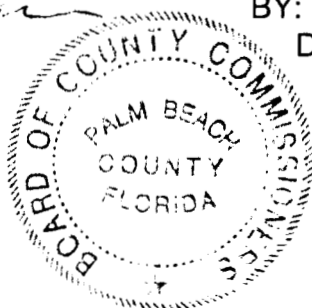


EXHIBIT A

LEGAL DESCRIPTION

(per title policies listed in surveyor's note 12)

**PARCEL 1:**

The West 120.0 feet of the South 100.0 feet of the North 335.18 feet and the West 20.0 feet of the North 235.18 feet of Tract Seventy-Two; said parcel being a part of land lying in Tract Seventy Two, SWAN'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, page 66, of the Public records of Palm Beach County, Florida.

**PARCEL 2:**

The West 120.0 feet of the South 125.0 feet of the North 460.18 feet of Tract 72; said parcel being a part of and lying in Tract 72, SWAN'S SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, page 66, of the Public Records of Palm Beach County, Florida.

**PARCEL 3:**

A parcel of land located in Tract 72 in FRANK B. SWAN'S SUBDIVISION of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, page 66, of the Public Records of Palm Beach County, Florida; to-wit;  
Begin at the Southeast corner of Section 19, Township 44 South, Range 43 East; thence run West along the South line of Section 19, a distance of 1335.0 feet to a point; thence run Northerly along the Southerly projection of the West line of said Tract 72, a distance of 40 feet to the North right-of-way line of Lucerne Avenue Extension which is the Southwest corner of the Tract herein conveyed and the Point of Beginning; thence continue Northerly along the West line of Tract 72, a distance of 155.0 feet to the Northwest corner of the Tract herein conveyed; thence run Easterly, parallel to the South line of said Section 19, a distance of 120 feet to a point being the Northeast corner of this tract; thence run Southerly parallel to the West line of said Tract 72, a distance of 155.0 feet to the Southeast corner of this tract; thence run Westerly a distance of 120.0 feet to the Point of Beginning; less and excepting therefrom the following described parcel of land; All that portion of the following described parcel of land for road right-of-way purposes, situate in Section 19, Township 44 South, Range 43 East, lying South of the proposed North right-of-way line of Lake Worth Road as shown on the right-of-way map of Lake Worth Road Book 5, pages 125 through 138, Public Records of Palm Beach County, Florida.

EXHIBIT A  
LEGAL DESCRIPTION

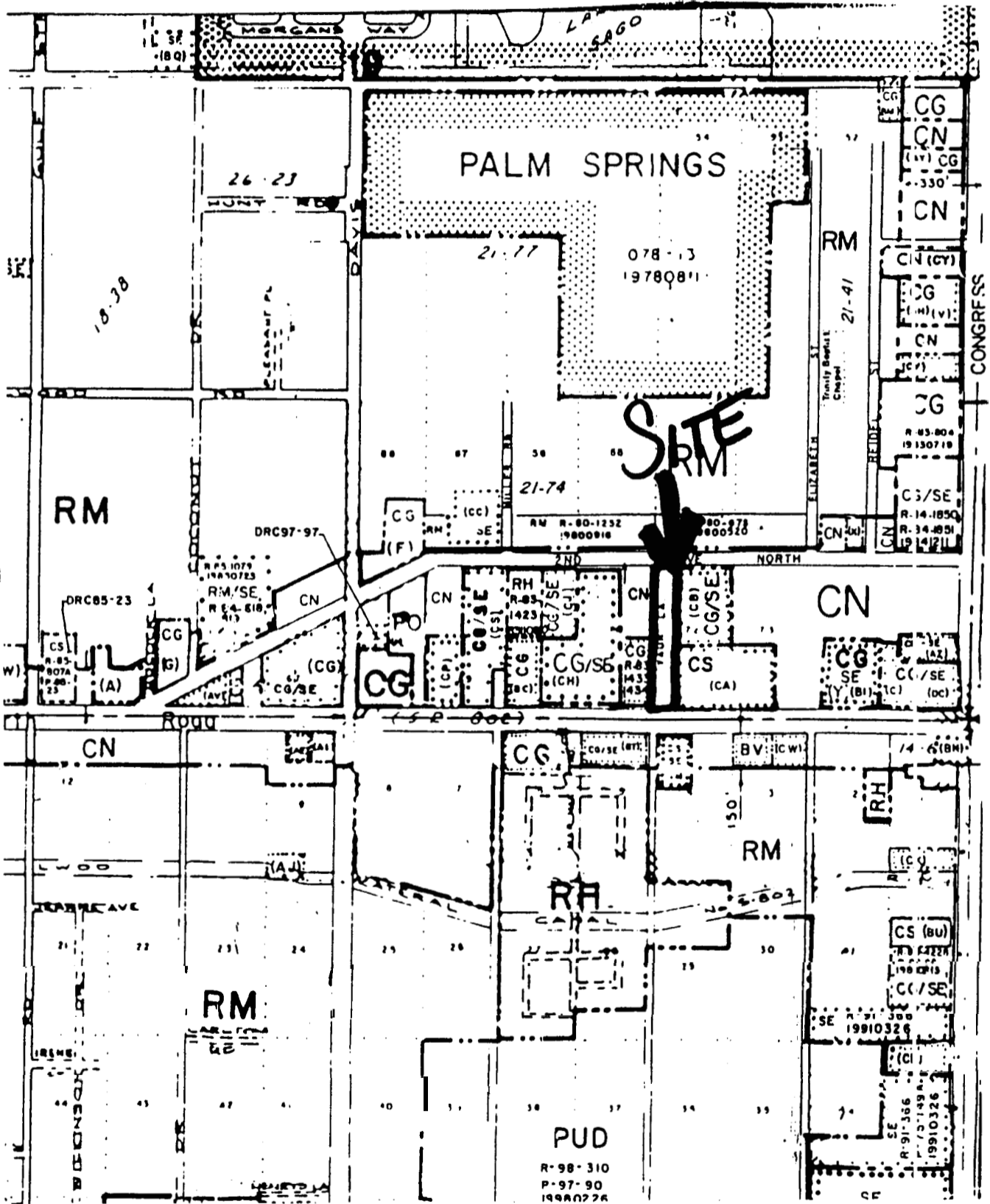
**TOGETHER WITH;**

The North 235.18 feet of the East 100 feet of the following described parcel; Beginning at the Southeast corner of Section 19, Township 44 South, Range 43 East, Palm Beach County, Florida, thence running Westerly along the South line of said Section 19, a distance of 1335 feet to a point; thence running Northerly along the West line of Tract 72, of Swan's Subdivision of Section 19, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 6, Page 66, a distance of 320 feet to the point of beginning of this parcel; thence running Northerly along the West line of Tract 72, to the Northwest Corner of said Tract 72; thence run easterly along the North line of said Tract 72, a distance of 120 feet; thence running Southerly parallel to the West line of Tract 72, to a point 320 feet North of the South line of said Section 19; thence running Westerly a distance of 120 feet to the point of beginning, lying and being in Palm Beach County, Florida.

**SURVEYED PROPERTY ALSO DESCRIBED AS:**

The West 120 feet of Tract 72, Subdivision of Section 19, T.44S. T.43E., according to the plat thereof as recorded in Plat Book 6, Page 66, in and for the Public Records of Palm Beach county, Florida.  
Less and except the South 45 feet thereof for additional road right-of-way for Lake Worth Road as recorded in Road Plat Book 5, Page 125, in and for the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved site plan is dated August 26, 1999. 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. 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 ENFORCEMENT)
3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

#### C. LANDSCAPING ALONG RIGHT-OF-WAYS

1. Landscaping and buffering along the Lake Worth Road property line shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip; and
  - b. A continuous two (2) foot high berm measured from top of curb.
2. Landscaping and buffering along the 2<sup>nd</sup> Avenue North property line shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip; and
  - b. A continuous two (2) foot high berm measured from top of curb.  
(CO: LANDSCAPE)

#### D. SIGNS

1. Freestanding signs fronting on Lake Worth Road and 2<sup>nd</sup> Avenue North shall be limited as follows:
  - a. Maximum sign height - ten (10) feet measured from the finished grade to the highest point;
  - b. Maximum single face area per side - one hundred (100) square feet;
  - c. Maximum number of signs - two (2);
  - d. Locations - One (1) on Lake Worth Road  
One (1) on 2<sup>nd</sup> Avenue North; and
  - e. Type of sign - Monument style only. (CO: BLDG)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, or prior to June 1, 2000, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for 2nd Avenue North 40 feet from centerline along the project's entire front: **ge**, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lake Worth Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. 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. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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 prior to issuance of a Certificate of Occupancy. (CO: MONITORING-Eng)

- C. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. USE LIMITATIONS

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
2. Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF)
3. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)

G. 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)