

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1373
(CONTROL NUMBER 1983-120)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF SUN ENTERPRISES HOLDING, INC.
BY RICHMOND GROUP, AGENT
(TIRES PLUS)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2006-1373 was presented to the Board of County Commissioners at a public hearing conducted on June 28, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA2006-1373, the application of Sun Enterprises Holding, Inc., by Richmond Group, agent, for a Development Order Amendment to reconfigure site plan, add square footage and modify/delete conditions of approval 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 June 28, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
John F. Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 28, 2007.

Filed with the Clerk of the Board of County Commissioners on 28th day of June.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK




EXHIBIT A
LEGAL DESCRIPTION

LOT 5, "H.I.D. PLAZA" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 46, PAGES 5 AND 6 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 36, TOWNSHIP 47 SOUTH, RANGE 41 EAST.

SAID LANDS SITUATE, LYING, AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 44590 SQUARE FEET (1.024 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

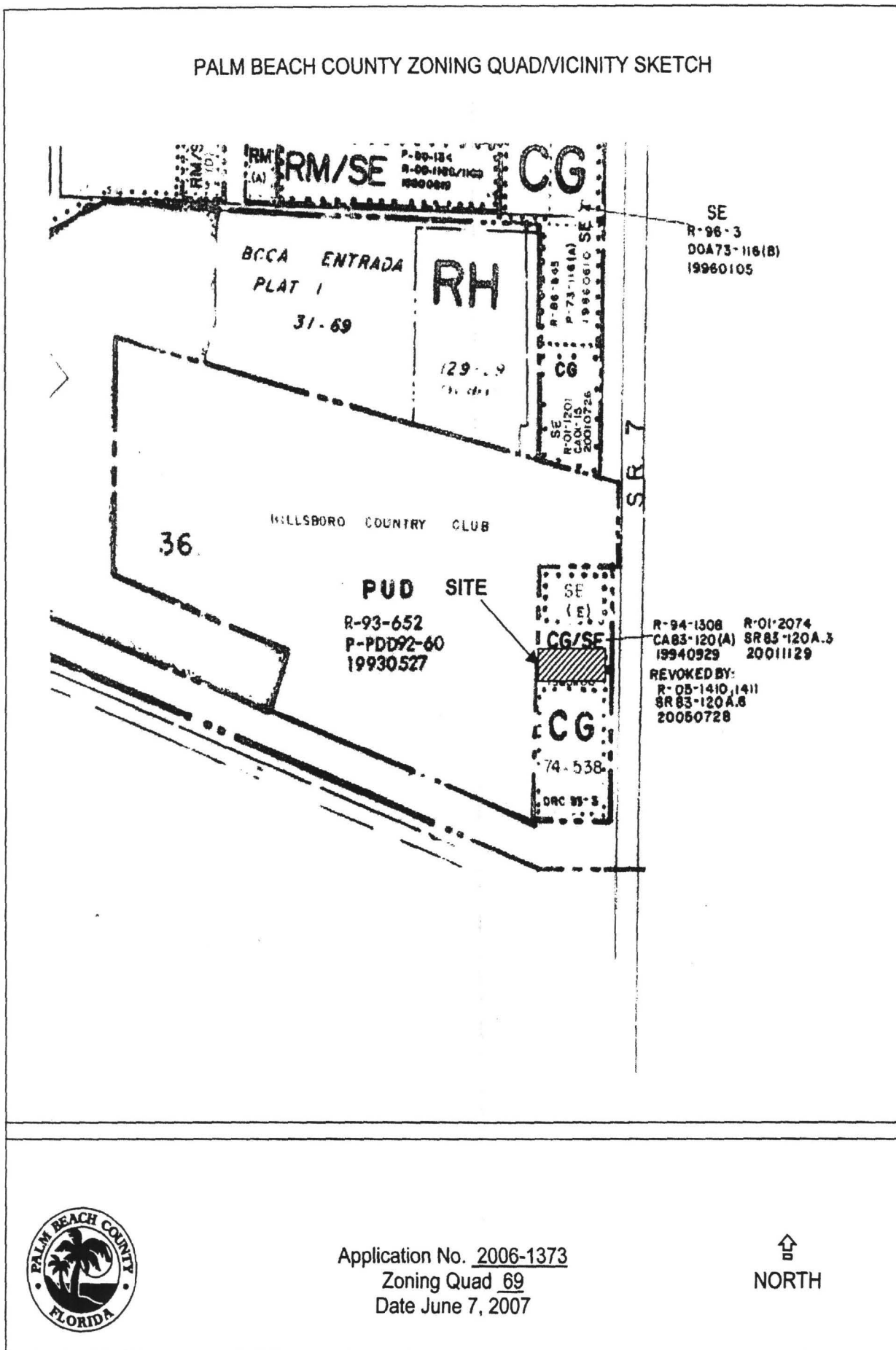


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-94-1308, Control 1983-120, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-83-1435, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-94-1308, Petition 1983-120A have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - 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 March 26, 2007. 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 - Zoning)

ARCHITECTURAL REVIEW

1. No openings shall be permitted in the west facade of the proposed building, except for required emergency exits. (BLDG PERMIT:BLDG -Zoning) (Previous Condition C.1 of Resolution R-1994-1308, Petition 1983-120(A))

ENGINEERING

1. Condition No. 1 of Resolution No. R-83-1435, Petition 83-120), which currently states:

The development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (ENGINEERING)

Is hereby deleted. {Reason: Code Requirement}

2. Condition Number E.2 of Resolution R-94-1308 which currently states:

The Developer shall contribute Two Thousand One Hundred Thirty-Eight Dollars (\$2,138.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit. (IMPACT FEE COORD.-Engineering)

Is hereby deleted. [Reason Impact fees are now a code requirement.]

3. Condition Number E.3 of Resolution R-94-1308 which currently states:

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 petition, 83-120(A), to be paid at the time of issuance of the Building Permit presently is \$3,300.00 (60 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

Is hereby deleted. [Reason Impact fees are now a code requirement.]

ERM

1. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previous Condition F.1 of Resolution R-94-1308, Petition 1983-120). (ONGOING:ERM-ERM)
2. Condition L.1 of Resolution R-94-1308, Petition 1983-120 which currently states:

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. (ERM)

Is hereby deleted. [Reason: Code Requirement.]

HEALTH

1. Condition D.1 of Resolution R-94-1308, Petition 1983-120 which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition No. 3 of Resolution No. R-83-1435, Petition 83-120). (HEALTH)

Is hereby deleted. [Reason: Code Requirement]
2. Condition D.2 of Resolution R-94-1308, Petition 1983-120 which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)

Is hereby deleted. [Reason: Code Requirement]
3. Condition D.3 of Resolution R-94-1308, Petition 1983-120 which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

Is hereby deleted. [Reason: Code Requirement]

ZONING - LANDSCAPING-STANDARD

1. All 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-1994-1308, Petition 1983-120(A))
2. Prior to the issuance of a Building Permit for the storage building, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING – LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

3. Landscaping within the required buffer along the east property line abutting the service road shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-1994-1308, Petition 1983-120(A))

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

4. Condition J.1 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip.
- b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)

Is hereby amended to read:

In addition to code requirements for a Type II Incompatibility Buffer, landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip with a maximum of a five (5) foot overlap utility easement;
 - b. One (1) palm tree 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 trees or pine trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Seventy-two (72) 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 seventy-two (72) inches. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Condition J.2 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center.
- b. One (1) palm tree 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 trees or pine trees may supersede the requirement for a native canopy tree in that location.
- c. Thirty (30) 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. (BUILDING-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

6. Condition J.3 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

Is hereby deleted. [REASON: No longer applicable.]

LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING:CODE ENF - Zoning) (Previous Condition K.1 of Resolution R-1994-1308, Petition 1983-120(A))
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.2 of Resolution R-1994-1308, Petition 1983-120(A)).
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING: CODE ENF - Zoning) (Previous Condition K.3 of Resolution R-1994-1308, Petition 1983-120(A))

SIGNS

1. Relocated or replaced point of purchase/freestanding sign fronting on State Road 7 (US 441) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Monument style. (BLDG PERMIT: BLDG - Zoning) (Previous Condition P.1 of Resolution R-1994-1308, Petition 1983-120(A))

USE LIMITATIONS

1. The car wash facility shall utilize a 100% water recycling system. (ONGOING: CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-1994-1308, Petition 1983-120(A))
2. Condition B.2 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING:CODE ENF-Zoning)

Is hereby deleted. Reason: [Consolidated under Use Limitations Condition 5)].
3. Vehicles shall not be tested off-site on residential streets. (ONGOING:CODE ENF-Zoning) (Previous Condition B.3 of Resolution R-1994-1308, Petition 1983-120(A))
4. There shall be no outdoor repair or storage of vehicles. (ONGOING:CODE ENF-Zoning) (Previous Condition B.4 of Resolution R-1994-1308, Petition 1983-120(A))
5. Condition N.1 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

There shall be no outdoor storage of tires, parts, or equipment, or of inoperative motor vehicles. (ONGOING:CODE ENF-Zoning)

Is hereby amended to read:

There shall be no outdoor storage of tires; equipment; disassembled vehicles, or all or parts of inoperative motor vehicles. (ONGOING:CODE ENF-Zoning)

6. Condition N.2 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

Use of the site shall be limited to the following:

- a. 2,000 square feet office space;
- b. 2,950 square feet automotive service bay area;
- c. 3,090 square feet auto paint and body shop; and,
- d. 3,090 square feet dead storage.

Except as may be permitted pursuant to Section 5.6 of the ULDC. (BUILDING/Zoning)

Is hereby deleted. Reason: [Replaced by All Petitions Condition 2].

7. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. (ONGOING:CODE ENF-Zoning) (Previous Condition N.3 of Resolution R-1994-1308, Petition 1983-120(A))

8. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of the facility. (ONGOING:CODE ENF-Zoning) (Previous Condition N.4 of Resolution R-1994-1308, Petition 1983-120(A))

9. Condition O.1 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan. (CODE ENF-Zoning)

Is hereby deleted. [Reason: use revoked by Status Report SR 1983-120.A.6, Resolution R-2005-1410]

10. Condition O.2 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information except that required to be posted on such vehicles by law. (CODE ENF-Zoning)

Is hereby deleted. [Reason: use revoked by Status Report SR 1983-120.A.6, Resolution R-2005-1410]

11. Condition O.3 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code. (CODE ENF-Zoning)

Is hereby deleted. [Reason: use revoked by Status Report SR 1983-120.A.6, Resolution R-2005-1410]

12. Condition O.4 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

A maximum of three (3) trucks shall be displayed on site at any time. (Previous Condition O.4 of Resolution R-1994-1308, Petition 1983-120(A)). (CODE ENF-Zoning)

Is hereby deleted. [Reason: use revoked by Status Report SR 1983-120.A.6, Resolution R-2005-1410]

UTILITIES

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: PBCWUD - Zoning) (Previous Condition G.1 of Resolution R-1994-1308, Petition 1983-120(A))
2. If any relocation/modifications to the County's existing facilities are required that are aq direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD –PBCWUD)

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. Condition Q.1 of Resolution R-1994-1308, Petition 1983-120(A), which currently states:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Is hereby amended to read:

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 Code Enforcement Special Master 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)