

RESOLUTION NO. R-95-112

RESOLUTION APPROVING ZONING PETITION DOA90-09(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MORSE OPERATIONS, INC.

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, is authorized and empowered to consider petitions relating to zoning; 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 DOA90-09(A) was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. 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.
10. This Development Order Amendment, 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 **DOA90-09(A)**, the petition of Morse Operations, Inc., for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend master plan to increase land area, increase building square footage and add access point, previously approved 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 January 26, 1995, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

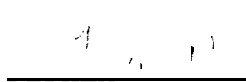
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN,

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

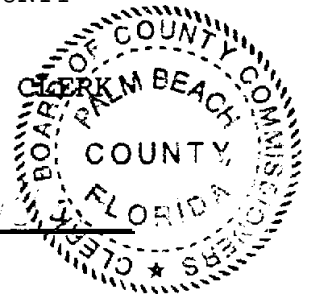


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; LESS right of way for Military Trail (S.R. 809); and less the East 7.0 feet of the West 60.0 feet for road right of way purposes.

TOGETHER WITH:

The North 65 feet of the West 228 feet of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 43 South, Range 42 East, less that portion of the West 53 feet which lies Easterly of the 66 foot right-of-way for State Road 809.

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EXHIBIT B
VICINITY SKETCH

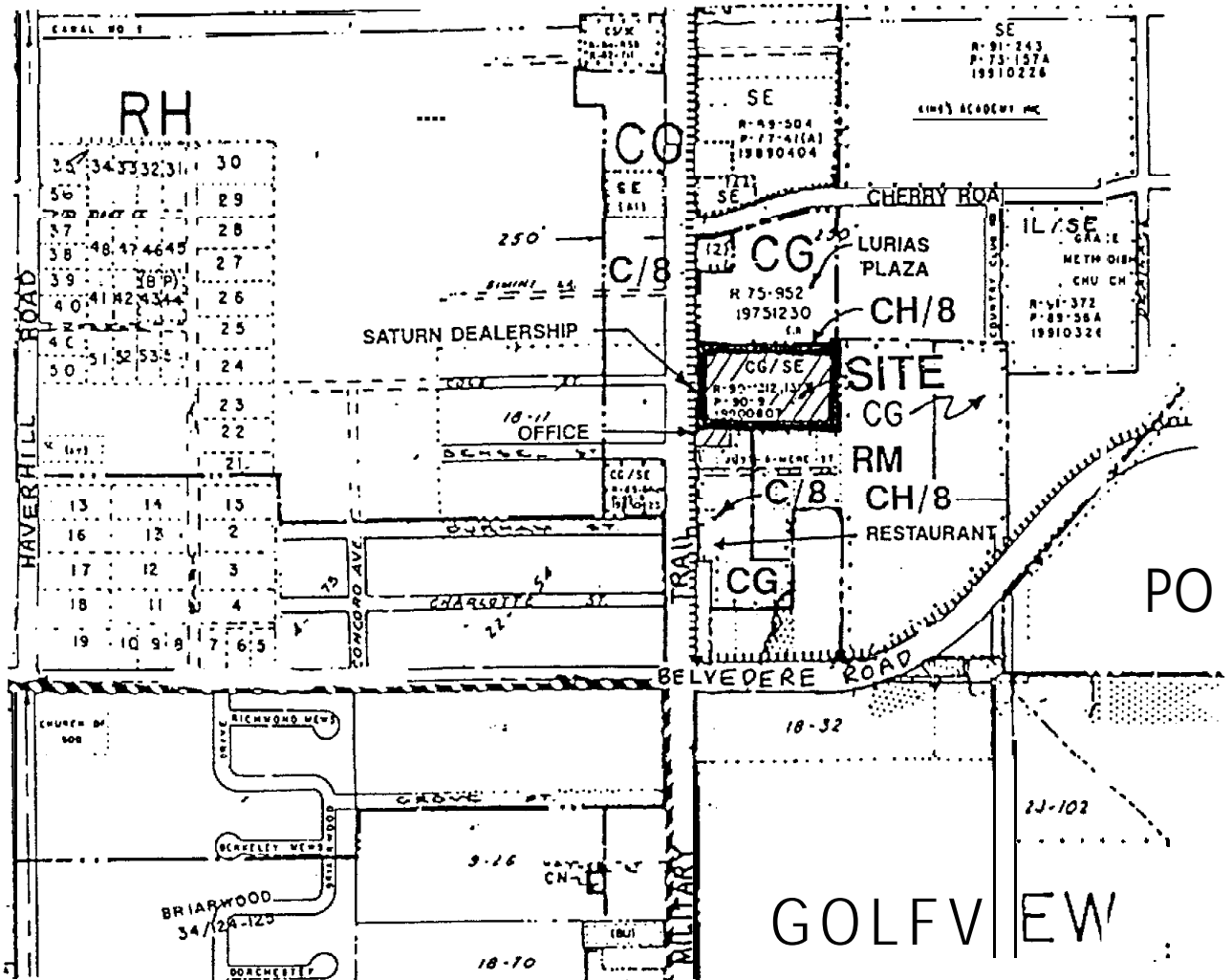


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-1312, and R-90-1313, have been consolidated as **contained** herein. The petitioner shall comply with all **previous** conditions of approval and original deadlines **established** by Section 5.8 of the ULDC, unless expressly **modified**.
(MONITORING)

B. AUTOMOTIVE SERVICE

1. Vehicles shall not **be** tested off-site on **residential** streets. (CODE ENFORCEMENT) (Previously Condition 110. 8 of Resolution R-90-1313, Petition 90-09).
2. No outside storage **of** disassembled vehicles or **parts** thereof shall be permitted on site. (CODE ENFORCEMENT) (Previously Condition No. 16 of Resolution R-90-1313, Petition 90-09).

C. BUILDING & SITE DESIGN

1. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate the delineation of **required** customer parking spaces.
 - a. All perimeter landscape strips shall be **upgraded** with minimum ten (10) feet high native canopy **trees** spaced twenty (20) feet on center. (ZONING) (Previously Condition 1 of Resolution R-90-1313, Petition 90-09).
2. The petitioner shall submit an Alternative **Landscape** Betterment Plan at the time of Site Plan Review **Committee** submittal to allow some flexibility in the **elimination** of parking stalls and subsequent relocation of **interior** landscape islands which will allow for the **preservation** of more slash pines. (ZONING/ERM) (Previously Condition No. 7 of Resolution R-90-1313, Petition 90-09).

D. ERM

1. The petitioner shall reconfigure the parking area to allow for the preservation of existing vegetation on site if necessary at time of issuance of **Vegetation** Preservation Permit. (ERM) (Previously Condition No. 2 of Resolution R-90-1313, Petition 90-09).
2. Prior to Site Plan Review Committee, the petitioner shall submit a vegetation preservation report which **details** methods of preservation. These methods shall be **approved** by the Zoning Division and be in place prior to **final** issuance of the Vegetation Removal Permit. (ZONING/ERM) (Previously Condition No. 3 of Resolution R-90-1313, Petition 90-09).
3. The northeastern portion of the site and **perimeter** landscape strips shall be treated as natural areas. Only passive storm water retention shall be permitted in **these** areas. No grade change, trenching or removal of vegetation (excepting prohibited species) shall be permitted here. (ERM) (Previously Condition No. 4 of Resolution R-90-1313, Petition 90-09).

4. The petitioner shall submit a tree survey to locate and verify the preservation of existing slash pines within all perimeter landscape strips, interior landscape islands and medians. (ERM) (Previously Condition No. 6 of Resolution R-90-1313, Petition 90-09).

E. ENGINEERING

1. Any additional retention requirements identified in later stages of development shall be accommodated in exfiltration trenches, passive at grade retention areas or by reductions in the size of the specialized vehicular use area. (ENGINEERING) (Previously Condition No. 5 Of Resolution R-90-1313, Petition 90-09).
2. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENGINEERING) (Previously Condition No. 23 of Resolution R-90-1313, Petition 90-09).
3. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING) (Previously Condition No. 24 of Resolution R-90-1313, Petition 90-09).
4. 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. (ENGINEERING) (Previously Condition No. 25 Of Resolution R-90-1313, Petition 90-09).

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (HEALTH) (Previously Condition No. 18 of Resolution R-90-1313, Petition 90-09).
2. Sewer service is available to the property, therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition No. 19 of Resolution R-90-1313, Petition 90-09).
3. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition No. 20 of Resolution R-90-1313, Petition 90-09).
4. NO portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. (HEALTH) (Previously Condition No. 22 of Resolution R-90-1313, Petition 90-09).

G. LANDSCAPING - STANDARDS

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. (BUILDING-Zoning)

H. LIGHTING

1. All outdoor lighting used to illuminate the premise; and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)

I. 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. (ERM) (Previously Condition No. 21 of Resolution R-90-1313, Petition 90-09).

J. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

K. VEHICLE SALES OR RENTAL

1. No outdoor loudspeaker system shall be operated on site between the hours of 6:00 p.m. and 8:00 a.m. (CODE ENFORCEMENT) (Previously Condition No. 9 of Resolution R-90-1313, Petition 90-09).
2. The petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of vehicular traffic circulation areas, shall not be adjacent to residentially zoned lots. The unloading area shall be located a minimum of one hundred feet from any residentially zoned property. (BUILDING/CODE ENFORCEMENT) (Previously Condition No. 10 of Resolution R-90-1313, Petition 90-09).
3. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway. Vehicles shall only be parked or dislaved in the approved areas designated on the certified site plan. (CODE ENFORCEMENT /Zoning) (Previously Condition No. 11 of Resolution R-90-1313, Petition 90-09).
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar 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 as may be permitted by the Sign Code. (CODE ENFORCEMENT) (Previously Condition No. 12 of Resolution R-90-1313, Petition 90-09).

5. Repair facilities and sales of parts may be **provided** as an accessory use. Repair facilities and paint and body shops shall be located at least **100** feet from any residentially zoned lot. Service bay doors shall **not** be oriented toward **any** adjacent residentially **zoned property**, except where currently existing, or **oriented** toward any adjacent public street, unless it can be demonstrated to the Site Plan Review Committee that **it** is not feasible to comply. (BUILDING/CODE **ENFORCEMENT**) (Previously Condition No. 13 of Resolution R-90-1313, Petition 90-09).
6. Use of the site shall be limited to the commercial **sales**, leasing and repair of new or used automobile and customary accessory uses. (BUILDING/CODE **ENFORCEMENT**) (Previously Condition No. 14 of Resolution R-90-1313, Petition 90-09).
7. Vehicle parking shall be limited to the parking **spaces** designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, **rights-of-way**, or interior drives. (CODE **ENFORCEMENT**) (**Previously** Condition No. 15 of Resolution R-90-1313, Petition **90-09**).
8. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable **bollards** or other suitable barrier approved by the Zoning Division. (ZONING) (Previously Condition No. 17 of Resolution F-90-1313, Petition 90-09).
9. No outdoor speaker or public address systems which are audible from the exterior of the site, shall be permitted. (CODE **ENFORCEMENT**)
10. No vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. (CODE **ENFORCEMENT**)

L. COMPLIANCE

1. As provided in the Palm Beach county Zoning Code, Sections 400.2 and 402.6, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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.

Appeals of **any** departmental-administrative **actions** hereunder may be taken to the Palm Beach County **Board of Adjustment** or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of **Special Exception**, Rezoning, 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) (Previously Condition No. 26 of **Resolution R-90-1313**, Petition 90-09).