

RESOLUTION NO. R-96- 646

RESOLUTION APPROVING ZONING PETITION DOA84-15(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MORSE OPERATIONS INC.
BY KIERAN KILDAY, AGENT
ED MORSE AUTO PARK

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 DOA84-15(C) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 1996; 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 Unified 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 determination and 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 DOA84-15(C), the petition of Morse Operations Inc., by Kieran Kilday, agent, for a Development Order Amendment (DOA) to add square footage and four display spaces, 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 May 23, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

The Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East; Palm Beach County, Florida; Less the South 75 feet thereof; Less the Westerly 60 feet thereof; Less the North 30 feet thereof; Less the easterly 30 feet thereof.

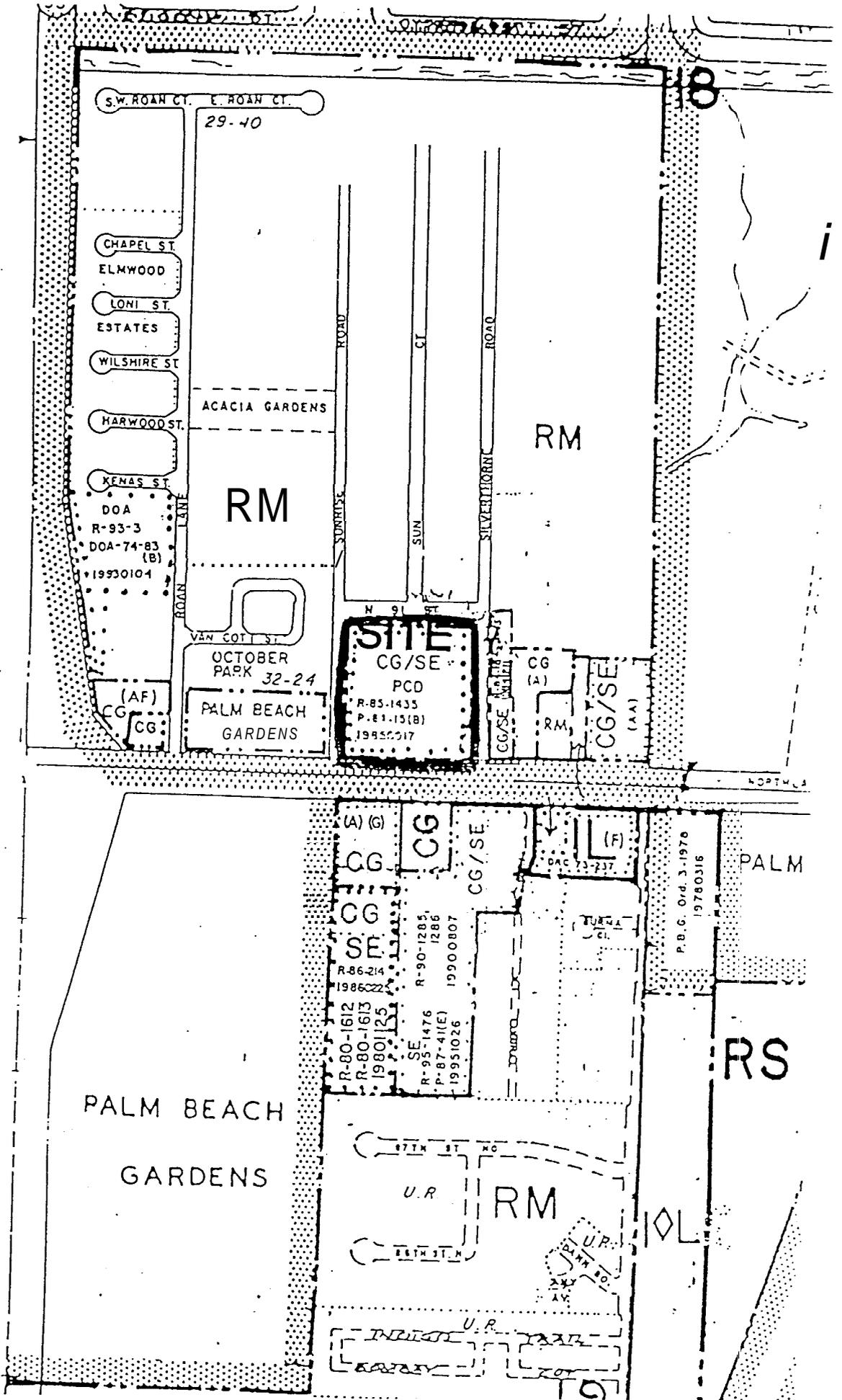
Containing 7.35 Acres More or Less.

EXHIBIT B
VICINITY SKETCH

Quad 13

FEB 21 1996

84-15 C



Quad 14

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions are shown in **BOLD** and have been consolidated herein, unless expressly modified.

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-77-1407 (Petition 77-140), R-85-246 (Petition 84-15(A)) and **R-85-1435** (Petition 84-15 (B)), have been consolidated 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 approved by the Board **of** County Commissioners (site plan dated February 21, 1996). 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. Prior to site plan certification the site plan shall be revised to reflect the following:
 - a. A minimum twenty (20) foot back-up distance between the front and rear property line and the first parking stall.
 - b. The double and triple, display and combination display and regular vehicular use parking bays with access and maneuvering aisles. Pursuant to Code Section 500.17.J., or obtain variance relief for double and triple loaded display parking bays.
 - c. Parking area interior landscaping pursuant to Landscape Code Section 4.G. and Site data tabular calculations reflecting the required interior landscaping square footages. (Previously condition 1, of Resolution R-85-1435, Petition 84-15(E)). (DRC: ZONING)
2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (Previously condition 2, of Resolution R-85-1435, Petition 84-15(B)). (BLDG PERMIT: BLDG)
3. The rear facades of the service/office shall be given architectural treatment consistent with the front of the mall to avoid an incompatible industrial appearance impact upon nearby residential development. (Previously condition 3, of Resolution R-85-1435, Petition 84-15(E)). (BLDG PERMIT: BLDG)

C. COUNTY ATTORNEY

1. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. (Previously condition 15, of Resolution R-85-1435, Petition 84-15(B)). (CO ATTY)

D. HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously condition 16, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: BLDG / ERM)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously condition 17, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: BLDG / ERM)
3. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previously condition 18, of Resolution R-85-1435, Petition 84-15(B)). (BLDG PERMIT: BLDG / ERM)
4. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C. (Previously condition 19, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: BLDG / ERM)
5. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil. (Previously condition 20, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: BLDG / ERM)

E. ENGINEERING

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division. (Previously condition 8, of Resolution R-85-1435, Petition 84-15(B)). (BLDG PERMIT: ENG)
2. The property owner shall convey for the ultimate right-of-way of Sunrise Boulevard, 30 feet east of the project's west property line with 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (Previously condition 9, of Resolution R-85-1435, Petition 84-15(B)). (DATE/BLDG PERMIT: ENG)
3. The property owner shall construct:
 - (A) Sunrise Boulevard from Northlake Boulevard to the project's north property line as a three-lane section.
 - (B) Left turn lane, north approach, on Sunrise Boulevard at Northlake Boulevard,

Concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval. (Previously condition 10, of Resolution R-85-1435, Petition 84-15(B)). (BLDG PERMIT: ENG)

4. If access onto Silverthorne is requested by this property owner prior to its construction, this property shall assume the obligation to construct Silverthorne Road from Northlake Boulevard to the project's north property line. (Previously condition 11, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: ENG)
5. The Developer 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 project presently is \$17,682. (Previously condition 12, of Resolution R-85-1435, Petition 84-15(B)). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)
6.
 - a) Based on previous commitment by this developer, the property owner has agreed to contribute an additional \$157,318 toward Palm Beach County's existing Roadway Improvement Program, these combined total funds of \$175,000 to be paid within four months of the approval date by the Board of County Commissioners or prior to the issuance of a Building Permit, whichever shall first occur. These funds will be used for the widening of the existing Bridge on Northlake Boulevard, over South-North Lake, from four lanes to six lanes. Palm Beach County will award the contract for all necessary bridge and roadway improvement with this Developer's Funds.
 - b) The property owner shall provide Palm Beach County with construction plans required for widening the existing bridge on Northlake Boulevard over the South-North Lake from four lanes to six lanes. The construction plans shall be per the County Engineer's approval based upon Palm Beach County's minimum construction plan standards as the presently exist or as they may from time to time be amended. These construction plans shall be completed prior to December 31, 1985. Should the developer seek a building permit prior to the completion of the plans, performance security acceptable to the County Attorney in the amount of \$175,000 shall be posted. Credit for the plan preparation shall be received toward this \$175,000 road improvement fund and the property owner shall then make available to Palm Beach County the balance of the \$175,000 to award the bridge and road contract as stated in the above condition. (Previously condition 13, of Resolution R-85-1435, Petition 84-15(B)). (DATE/BLDG PERMIT: ENG)
7. The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of Sunrise Boulevard. This drainage easement shall be subject to all governmental agency requirements. (Previously condition 14, of Resolution R-85-1435, Petition 84-15(B)). (ENG)
8. 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 project, Zoning Petition 84-15(C), to be paid at the time of issuance of the Building Permit presently is \$2,915.00 (53 additional trips X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)

9. Developer shall construct a left turn lane, west approach at the intersection of Northlake Boulevard and Silverthorne Road. (Previously condition 1, of Resolution R-77-1407, Petition 77-140) (ENG)

F. LIGHTING

1. Security lighting shall be directed away from nearby residences. (Previously condition 7, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)

G. PARKING/STORAGE

1. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the auto mall. (Previously condition 5, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)
2. No parking of any vehicles shall be permitted along the rear of the auto mall except in designated spaces or unloading areas. (Previously condition 6, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)

H. USE/HOURS OF OPERATION LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 8:00 PM and 8:00 AM. (Previously condition 4, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)
2. There shall be no test driving of vehicles on North 91st Street. If the Palm Beach County Code Enforcement Board determine that this condition has been violated, the Petitioner shall assume responsibility for paving North 91st Street per the County Engineer's approval. (Previously condition 21, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)
3. There shall be no bodywork undertaken on the site. (Previously condition 22, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)
4. There shall be no repair work conducted between six PM and seven AM on this site. (Previously condition 23, of Resolution R-85-1435, Petition 84-15(B)). (ONGOING: CODE ENF)

I. COMPLIANCE

1. 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; 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.

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)