

RESOLUTION APPROVING ZONING PETITION DOA84-51(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RICHARD & MARY BASTIN
BY DONALDSON HEARING, AGENT
(PALM BEACH VOLVO)

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 DOA84-51(A) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 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.

- a. 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 DOA84-51(A), the petition of Richard & Mary Bastin, by Donaldson Hearing, agent, for a Development Order Amendment (DOA) to add land area to 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 July 25, 1996, 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 Marcus 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	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 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: *Amirion R. Marcus*
DEPUTY CLERK

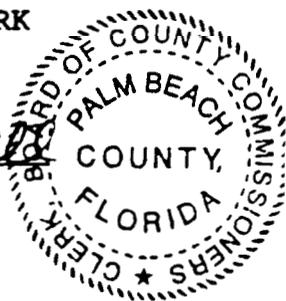


EXHIBIT A

LEGAL DESCRIPTION

The South **26** feet of the North **76** feet of the West **196.16** feet of the East **304.88** feet of the Northwest $\frac{1}{4}$ of Section **26**, Township **43** South, Range **42** East, Being More particularly described as follows:

The Point of Beginning being the Northwest corner of Lot **3**, BREEZY ACRES, as recorded in Plat Book **24**, Page **48**, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida; thence

Northerly along the Northerly prolongation of the West line of said Lot **3**, a distance of **26** feet, more or less, to the South right-of-way line of Okeechobee Road, as defined in Deed Book **47**, Page **454**, recorded in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida; thence Easterly along said right-of-way-of-way as defined in Deed Book **47**, Page **454**, a distance of **196.16** feet, more or less, intersecting the East line of the West **58.72** feet of the East **167.44** feet of the Northwest $\frac{1}{4}$ of said Section **26**; thence Southerly along the East line of said **58.72** feet of the East **167.44** feet of the Northwest $\frac{1}{4}$ of said section **26**, a distance of **26** feet, intersecting the Easterly prolongation of the Northerly boundary of Lots **3** and **4** as recorded in Plat Book **24**, Page **48**, Public Records of Palm Beach County, Florida; thence Westerly along said Easterly prolongation of the Northerly boundary of said Lots **3** and **4**, a distance of **196.16** feet, more or less to the Point of Beginning.

LESS AND EXCEPTMG THEREFROM the Additional right-of-way for State Road **704** (Okeechobee Blvd.), Florida Department of Transportation right-of-way for a safety comer recorded in Official Record Book **61 14**, Page **629**, being a safety comer at the Northwest property comer at Okeechobee Blvd. and Breezy Lane right-of-way line consisting of **311.50** square feet.

AND ALSO:

TRACT 1:

Lots **3**, **4**, **5**, and **6**, BREEZY ACRES, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book **24**, Page **48**.

TRACT 2:

The West **58.72** feet of the East **167.44** feet of the South **265.32** feet of the North **341.32** feet; and the West **58.72** feet of the East **105.72** feet of the South **75** feet of the North **341.32** feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section **26**, Township **43** South, Range **42** East, Palm Beach County, Florida.

TRACT 3:

Lot **7**, according to the Plat of BREEZY ACRES, as recorded in Plat Book **24**, Page **48**, in and for the public records of Palm Beach County, Florida, TOGETHER with the South **150** feet of the North **491.32** feet of the West **117.44** feet of the East **167.44** feet of the East one-eighth (EAST $\frac{1}{8}$) of the Northeast one-quarter (N.E. $\frac{1}{4}$) of the Northwest one-quarter (N.W. $\frac{1}{4}$) of Section **26**, Township **43** South, Range **42** East, Palm Beach County, Florida.

TRACT 4:

A parcel of land lying and being in the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section **26**, Township **43** South, Range **42** East, Palm Beach County, Florida, more particularly described as follows:

The South **225** feet of the North **716.32** feet as measured along the East line of the Northwest $\frac{1}{4}$ of said Section **26**, of the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section, less the Right-of-way of Lake Worth Drainage District E-3 Canal.

TRACT 5:

A parcel of land lying and being in the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section **26**, Township **43** South, Range **42** East, Palm Beach County, Florida, more particularly described as follows:

The North **266.32** feet as measured along the East line of the Northwest $\frac{1}{4}$ of said Section **26**, of the East **83.72** feet, as measured along the North line of said Section **26**, of the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section **26**, LESS the Right-of-way for Lake Worth Drainage District E-3 Canal and LESS the Right-of-way for Okeechobee Road.

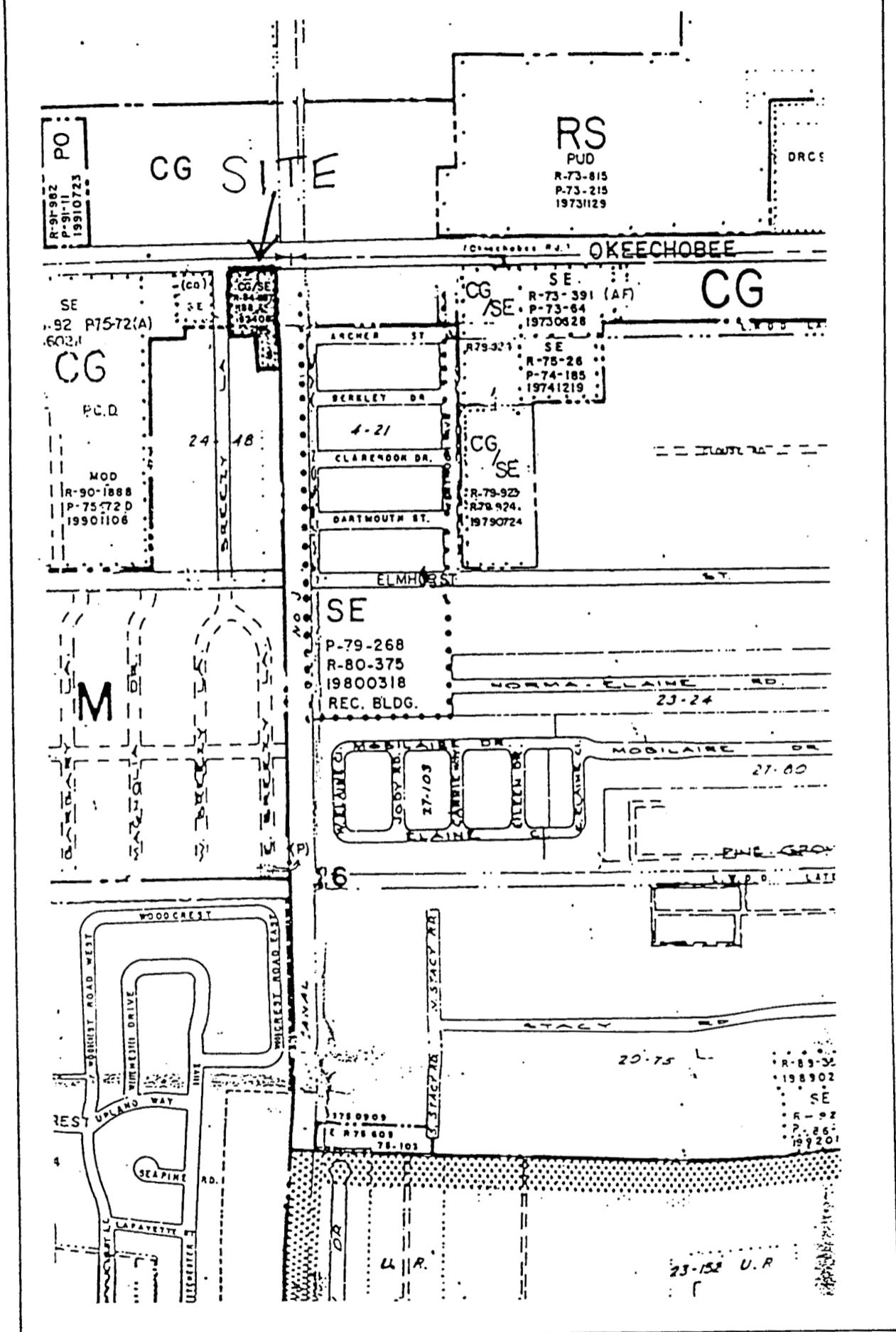
TRACT 6:

A parcel of land lying and being in the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section **26**, Township **43** South, Range **42** East, Palm Beach County, Florida, more particularly described as follows:

The North **266.32** feet as measured along the East line of the Northwest $\frac{1}{4}$ of said Section **26**, of the West **25.0** feet of the East **108.72** feet measured along the North line of said Section **26**, of the East $\frac{1}{8}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section **26**, LESS the Right-of-way for Okeechobee Road.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 84-51A
 Zoning Quad Page _____
 Date: 5/8/96

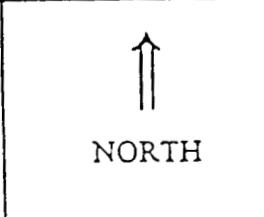


EXHIBIT C

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. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-1188 (Petition 84-51), 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 July 16, 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 proposed site plan shall be amended to reflect the following:
 - a. Elimination of the proposed southerly access to Breezy Lane.
 - b. Redesign of the proposed service bay canopies to provide complete enclosure of the west side of the westerly structure and the south side of all structures to minimize the impact of this area on the residences to the south and west.
 - c. A six foot high masonry wall supplemented by canopy trees planted at 20 feet on center along all property lines adjoining residential zoning, and along Breezy Lane from the approved driveway south to the south property line. (Previously Condition 10 of Resolution R-84-1188, Petition No. 84-51). (DRC/BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby deleted. REASON: Condition has been complied with.

C. SIGNS

1. Point of purchase signs shall be limited as follows:
 - a. Maximum sign heights, measured from finished grade to highest point - one existing twenty seven (27) foot high sign and one fifteen (15) foot high sign;
 - b. Maximum sign face area per side - one existing one hundred twenty (120) square foot sign and one 80 square foot sign;
 - c. Maximum number of signs - two (2);
 - d. Style - one existing freestanding pylon sign and one new monument style sign; and

e. Location - Okeechobee Boulevard only and new sign within fifteen (15) feet from entrance. (BLDG PERMIT: BLDG - Zoning)

2. No free standing or directional signs shall be permitted on Breezy Lane. (BLDG PERMIT: BLDG - Zoning)

D. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF - Zoning)

2. Vehicles shall not be elevated off the ground in any way, (ONGOING: CODE ENF - Zoning)

3. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, service, display and inventory/storage spaces. (ONGOING: CODE ENF - Zoning)

4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)

5. A maximum of 159 parking spaces shall used for display or inventory/storage purposes. (ONGOING: CODE ENF - Zoning)

6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG - Health)

7. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

9. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)

10. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning)

E. ENGINEERING

1. 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 84-51(A) to be paid at the time of issuance of the Building Permit presently is \$5610 (102 additional trips/day X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)

2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (Previously Condition 1 of Resolution R-84-1188, Petition No. 84-51).

Is hereby deleted: REASON: Code requirement.

3. The Property Owner shall convey for the ultimate right-of-way of Okeechobee Boulevard, 70 feet south of the section line, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. (Previously Condition 2 of Resolution R-84-1188, Petition No. 84-51).

Is hereby deleted. REASON: condition has been complied with.

4. The Development shall be permitted only one turnout onto Okeechobee Boulevard located at the project's east property line. (Previously Condition 3 of Resolution R-84-1188, Petition No. 84-51)

Is amended to read as follows:

The Development shall be permitted only one turnout onto Okeechobee Boulevard located at the project's east property line as modified. (DRC: ENG)

5. The Developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:
 - a) Right turn lane, west approach on Okeechobee Boulevard at the project's entrance road.
 - b) Left turn lane, south approach on Breezy Lane, at Okeechobee Boulevard. (Previously Condition 4 of Resolution R-84-1188, Petition No. 84-51).

Is hereby deleted. REASON: Condition has been complied with.

6. The developer shall contribute toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit. (Previously Condition 5 of Resolution R-84-1188, Petition No. 84-51)

Is hereby deleted. REASON: superceded by new condition.

F. 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 7 of Resolution R-84-1188, Petition No. 84-51). (ONGOING: HEALTH/ CODE ENF)
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 8 of Resolution R-84-1188, Petition No. 84-51). (ONGOING: HEALTH)
3. Any underground fuel storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure, or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber-reinforced plastic, steel clad with glass fiber-reinforced plastic, double-walled steel or plastic; or other equivalent design. The design and installation plans will be submitted to the Health Department for approval prior to installation. (Previously Condition 9 of Resolution R-84-1188, Petition No. 84-51).

Is hereby deleted. REASON: No longer applicable.

4. No building permit shall be issued until the sewer service connection is available. (Previously Condition 11 of Resolution R-84-1188, Petition No. 84-51).

Is hereby deleted. REASON: Condition has been complied with.

G. PARKING

1. The customer parking spaces shall be designated with signage and separated from display and inventory/storage spaces. (DRC/ONGOING: CODE ENF-Zoning)
2. The thirty eight (38) parking spaces designated as employee parking spaces shall be limited to the central portion of the site plan and south of the covered service bays. Appropriate signs shall be posted designating this area as employee parking. (DRC/ONGOING: CODE ENF-Zoning)
3. All parking spaces designated as inventory/storage spaces shall be enclosed by a fence or wall and not accessible to the public. (DRC/ONGOING: CODE ENF-Zoning)
4. The 0.61 acre parcel (Tract 4) to the south of the existing dealership shall be used for inventory/storage spaces only. (DRC/ONGOING: CODE ENF-Zoning)
5. Petitioner shall provide a minimum of one (1) interior landscape island for every twelve (12) spaces designated as customer, display, employee and service parking spaces.

H. 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. Lighting along the south and west property lines, adjacent to a residential zoning district, shall be hooded and wall mounted at a height below the proposed wall/fence. (CO: BLDG - Zoning)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

J. LANDSCAPING

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of 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.
 - 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 shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet grey wood.
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

K. LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) canopy tree for each twenty (20) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - c. one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - d. twenty four (24) inch high shrub or hedge material installed no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)

L. LANDSCAPING ALONG WEST PROPERTY LINE (FROM CORNER OF BREEZY LANE TO NORTH SIDE OF WEST ENTRANCE)

Landscaping along the west property line from the corner of Breezy Lane to the north side of west entrance shall include the following:

- a. one (1) canopy tree for each twenty (20) feet to west entrance with a maximum spacing of twenty-five (25) feet on center;
- b. one (1) palm for each twenty-five (25) linear feet to west entrance a maximum spacing of sixty (60) feet on center between clusters.
- c. twenty four (24) inch high shrub or hedge material installed no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)

M. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES OF 0.61 ACRE PARCEL (ABUTTING RESIDENTIAL)

1. The petitioner shall provide a ten (10) foot landscape buffer along the west property line and twenty-nine (29) foot landscape buffer along the south property line. (DRC: LANDSCAPE - Zoning)
2. The petitioner shall install a continuous six (6) foot concrete wall topped with two (2) foot vinyl colored coated chain link fence. Both sides of the wall shall be given a finished architectural treatment. (BLDG PERMIT: LANDSCAPE - Zoning)
3. The following landscaping requirements shall be installed alternating on the interior and exterior side of the required wall:

- a. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) 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. (BLDG PERMIT:LANDSCAPE - Zoning)
4. Along the exterior side of the required wall, the property owner shall install twenty-four (24) inch high native shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (DRC / CO: ZONING / LANDSCAPE)

N. LWDD

- 1. Within 90 days of this approval, the property owner shall convey to the Lake Worth Drainage District by quit claim deed, the right of way for the E-3 canal adjoining this property. (Previously Condition 6 of Resolution R-84-1188, Petition No, 84-51).

O. UNITY

- 1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

P. 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)