

RESOLUTION NO. R-97- 1290

RESOLUTION APPROVING ZONING PETITION **DOA76-164(B)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF KENNETH H. EHLERS, P.E.
(DISCOUNT AUTO PARTS)

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 **DOA76-164(B)** was presented to the Board of County Commissioners at a public hearing conducted on August 28, 1997; 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.

- 0. **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 DOA76-164(B), **the** petition of Kenneth H. Ehlers, P.E., **by** Kenneth H. Ehlers, agent, for a Development **Order** Amendment (DOA) to add building square footage (+1344 s.f.) for a general repair **and** maintenance use (Quick Lube facility) 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** August **28**, 1997, 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 Foster and, upon being put to a vote, **the** vote **was** as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 25, 1997.

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

LEGAL DESCRIPTION:

Parcel 1:

Lots 1, 2, 3 and 4, less the West 7.00 feet thereof, and the South 20.15 feet of Lot 5, less the West 7.00 feet thereof, and Lots 21 and 22, and the South 20.15 feet of Lots 9 and 10, Block 10, Plat IV, Greenland, according to the Plat thereof as recorded in Plat Book 4, Page 6 of the Public Records of Palm Beach County, Florida.

Parcel 2:

Lot 5, less the West 7.00 feet and the South 20.15 feet thereof, and Lots 6, 7 and 8, less the West 7.00 feet thereof, and Lots 9 and 10, less the South 20.15 feet thereof, and Lots 11, 12, 13, 14 and 15, Block 10, Plat IV, Greenland, according to the Public Records of Palm Beach County, Florida.

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. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as **contained in Resolutions R-76-1164 (Petition 76-164) and R-84-334 (Petition 76-164A)**, 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 as approved by ~~the~~ Zoning Commission. The approved site plan is dated **May 28, 1997**. All modifications must **be** approved by the Zoning Commission 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. Total gross floor area shall be limited to a maximum of 7,744 square feet. (DRC: ZONING)
2. The maximum height for all structures, measured from finished grade to highest point, shall **not** exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
3. The minimum setback for all structures adjacent to the eastern residential property line shall be twenty (20) feet. (DRC: ZONING)
4. Openings shall not **be** permitted on the east facade of the buildings, except required emergency exits. (BLDG PERMIT: BLDG - Zoning)
5. **All** air conditioning **and** mechanical equipment shall be roof mounted and screened from view ~~on~~ all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
6. Prior to the final certification of the site plan by the Development Review Committee, the petitioner shall provide a site plan indicated the required thirty nine (39) on-site parking spaces. (DRC:/ CO: ZONING)

C. CONCURRENCY

1. Prior to ~~final~~ site plan approval by the Development Review Committee (DRC) ~~the~~ petitioner ~~shall~~ amend their concurrency to match ~~the~~ uses and square footage as **shown on** the approved site plan dated **May 28, 1997**. (DRC: ZONING)

D. DUMPSTERS

1. **All areas** or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the eastern residential property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)

E. ENGINEERING

1. Condition 1 of Resolution R-76-1164, Petition 76-164 which currently states:

No direct access shall be allowed onto Military Trail (S.R. 809). All access shall be either on to Todd Street or on to Boatman Street.

~~Is hereby deleted.~~ (Reason: Superseded by Condition 4 of Resolution R-84-334, Petition 76-164A).

2. Condition 2 of Resolution R-76-1164, Petition 76-164 which currently states:

Prior to site plan approval the Developer shall convey to Palm Beach County the additional right-of-way required to provide sixty (60) feet from centerline for the ultimate right-of-way for Military Trail (S.R. 809).

~~Is hereby deleted.~~ [REASON: no longer required]

3. Condition 3 of Resolution R-76-1164, Petition 76-164 which currently states:

Developer shall contain on site, eighty-five (85) percent of a three (3) inch in one (1) hour rainfall. The remaining fifteen (15) percent to be discharged into Military Trail (S.R. 809)

~~Is hereby deleted.~~ (Reason: Superseded by Condition 1 of Resolution R-84-334, Petition 76-164A).

4. Condition 5 of Resolution R-76-1164, Petition 76-164 which currently states:

Developer shall provide drainage improvements so as not to impede proper drainage from the east.

~~Is hereby deleted.~~ (Reason: Superseded by Condition 1 of Resolution R-84-334, Petition 76-164A).

5. Condition 1 of Resolution R-84-334, Petition 76-164A which currently states:

This 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. In addition, drainage improvements shall be installed so as not to impede existing flow from the east.

~~Is hereby deleted.~~ (Reason: Code Requirement).

6. Condition 2 of Resolution R-84-334, Petition 76-164A ~~which~~ currently states:

The developer shall construct Todd ~~St.~~ from Military Trail east to the project's east property line concurrent with onsite paving & drainage improvements pursuant to a paving & drainage permit issued from the office of the County Engineer.

Is Completed.

7. Condition 3 of Resolution R-84-334, Petition 76-164A which currently states:

The developer shall contribute Two Thousand Two hundred & fifty dollars (\$2,250.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.

~~Is~~ deleted. (Reason: Impact fees are a Code Requirement).

8. **No direct** access to Military Trail will be permitted to **this** site. (Previous Condition 4 of Resolution R-84-334, Petition 76-164A). (ONGOING: Eng)

F. HEALTH

1. Only toilets and lavatories may be connected to the septic tank system. In addition, no floor drains will be permitted. Waste products generated by this automotive repair use must be disposed of by Health Dept. Approved methods. (Previous Condition 5 of Resolution R-84-334, Petition 76-164A). (ONGOING: Health)
2. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
3. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)
4. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING - STANDARD

1. **All canopy 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.
 - 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 on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING - EXISTING

1. **Condition 5 of Resolution R-76-1164, Petition 76-164** ~~which~~ currently states:

Prior to site plan certification, the proposed site plan shall be amended to reflect the following:

- a. **Installation of one canopy tree per twenty feet, and a six foot high solid fence along the property line adjoining the single family residence.**
- b. **All required landscaping.**

~~It~~ hereby amended to read:

Prior to September 15, 1997 the petitioner shall replace any dead, damaged, or missing trees, shrubs or other required improvements along the entire perimeter of the site in accordance with the ULDC or Landscaping Conditions as modified. (DATE: LANDSCAPING - Zoning)

I. LANDSCAPING ALONG THE NORTH 109 FEET OF EAST PROPERTY LINE, THE WEST 125 FEET OF SOUTH PROPERTY LINE, THE SOUTH 109 OF EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping ~~and~~ buffering along the above property lines shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - 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. (CO: LANDSCAPE)
2. 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 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 or pine trees may **supersede** the requirement for a canopy tree in ~~that~~ location; and
 - 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**. (CO: LANDSCAPE)
3. **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**. (CO: LANDSCAPE)

J. LIGHTING

1. ~~Condition~~ 1 of Resolution R-84-334, Petition 76-164A which currently states:

Lighting shall be directed so as not to shine across property lines.

Is hereby amended to read:

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, and a minimum fifty (50) foot setback from any residential properties. (CO / ONGOING: BLDG / CODE ENF - Zoning)

2. **All new outdoor lighting fixtures shall** not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. **All outdoor** lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

K. SIGNS

1. Freestanding signs shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1)
 - d. Style - pylon style only. (CO: BLDG)
2. Wall signs shall be limited to the west facades of the existing and the new buildings. (CO: BLDG)

L. USE LIMITATIONS

1. **There shall be no outdoor storage of tires, mechanical equipment; or inoperative motor vehicles, nor shall there be any outdoor repair activity.** (Previous Condition 7 of Resolution R-84-334, Petition 76-164A)
2. Hours of operation shall be limited to 8:00 A.M. to 8:00 P.M.

M. 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.

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)