

FILE COPY

RESOLUTION APPROVING ZONING PETITION CA97-67
CUSS A CONDITIONAL USE
PETITION OF FRANK AND GLORIA ORTIZ
BY KEVIN MCGINLEY, AGENT
(FOREIGN AFFAIRS AUTO)

2 5/43/97

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA97-67 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, 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.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA97-67, the petition of Frank and Gloria Ortiz, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a General repair and maintenance facility in the General Commercial (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 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

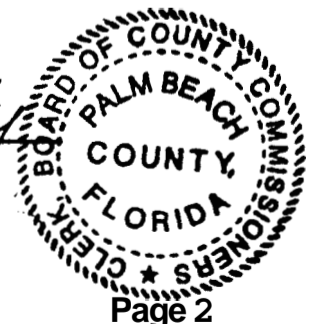


EXHIBIT A

LEGAL DESCRIPTION

Lots 32 to 37, inclusive, less the East 3 feet of Lots 34 and 35, Revised Plat of MERLIN PARK, according to the Plat thereof, as recorded in Plat Book 23, Page 124, Public Records of Palm Beach County, Florida.

Less the North 100 feet of Lots 32, 33 and 34; less the East 3 feet of Lot 34, Revised Plat of MERLIN PARK, according to the Plat thereof, as recorded in Plat Book 23, Page 124, Public Records of Palm Beach County, Florida.

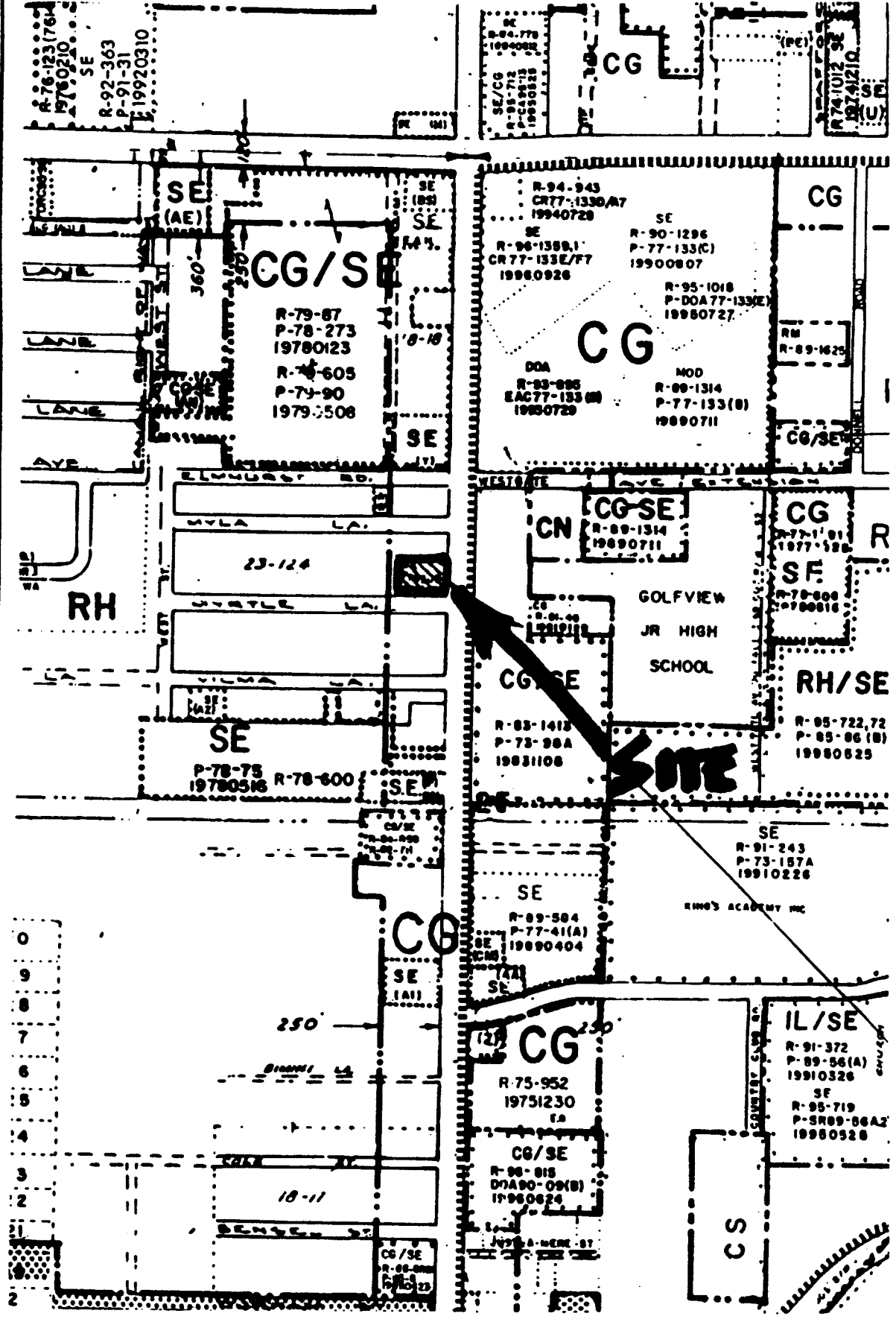
ALSO less the following described property:

Beginning at the intersection of the Westerly right-of-way line of Military Trail (S.R. 809) with the South line of Lot 35, Revised Plat of MERLIN PARK, 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 23, Page 124, said Westerly right-of-way line also being the West line of East 3.0 feet of Lots 34 and 35 of said MERLIN PARK (the Westerly right-of-way line of Military Trail is assumed to bear South $1^{\circ}53'54''$ West, and all other bearings herein are relative therto); thence North $88^{\circ}41'06''$ West along the South line of said Lot 35, a distance of 55.0 feet; thence North $1^{\circ}53'54''$ East, a distance of 3.50 to the beginning of a curve, concave Easterly and having a radius of 55.0 feet; thence Northerly along the arc of said curve subtending a central angle of $31^{\circ}17'23''$ a distance of 30.04 feet; thence North $1^{\circ}53'54''$ East, a distance of 135.02 feet to a point in the South line of the North 100 feet of said Lot 34; thence South $88^{\circ}41'06''$ East along said South line of the North 100 feet, a distance of 47.0 feet to the said Westerly right-of-way line of Military Trail; thence South $1^{\circ}53'54''$ West along said right-of-way, a distance of 167.0 feet to the Point of Beginning.

TOGETHER WITH parking rights on adjacent easterly parcel shown hereon.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-67

Zoning Quad Page _____

Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 **July 25, 1997**. **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. ARCHITECTURAL CONTROL

1. Similar **architectural character** and treatment **shall be** provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
2. **All air conditioning and mechanical equipment shall be screened** from view on **all sides** by a **visually opaque barrier** consistent with the **color, character and architectural style** of the principal structure or equivalent **landscape material**. (CO: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The proposed **building** shall be limited to a maximum height of **twenty-five (25) feet** measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

D. HEALTH

1. 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)
2. 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)
3. 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)

E. ENGINEERING

1. Prior to the issuance of the **first Building Permit** the property owner shall **convey to Palm County Land Development Division** by road right-of-way **warranty deed a corner dip** at the intersection of **Military Trail and Myrtle Lane**. This **corner clip** shall be free of **all encumbrances and encroachments**. **Developer** shall provide Palm Beach County with sufficient **documentation acceptable to the Right of Way Acquisition Section** to ensure that the property is **free** of **all encumbrances and encroachments**. (BLDG PERMIT: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting Florida Department of Transportation Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (PLAT FINAL: ENGINEERING)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

F. LANDSCAPING

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
- Tree height: fourteen (14) feet.
 - Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - 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. (CO: LANDSCAPE-Zoning)
 - 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)

G. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. Landscaping and buffering along the east property line shall include
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. An average two (2) feet high undulating berm as measured from the top of the curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. 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. A group of three (3) palms may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (24) 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 thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (MYRTLE LANE FRONTAGE)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. 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 not supersede the requirement for a canopy tree in that location; and
 - d. Thirty-six (36) 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 thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (UNDEVELOPED RESIDENTIAL)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. A six (6) foot high concrete wall;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. 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 not supersede the requirement for a canopy tree in that location; and
 - e. Thirty-six (36) 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)

J. SIGNS

1. The free standing sign 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 - 150 square feet;
 - c. Maximum number of signs - one (1) within fifty (50) feet north property line;
 - d. Style - monument style only. (CO: BLDG)
2. No signage shall be permitted on Myrtle Lane. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to the east facade of the building facing Military Trail. (CO: BLDG)

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

L. USE LIMITATIONS

1. Hours of operation shall be limited from 7:00 a.m.- 7:00 p.m. Monday to Saturday and 12:00 p.m. - 6:00 p.m. on Sunday. (ONGOING: CODE ENF)
2. No *outside storage* of disassembled vehicles shall be permitted on site. (ONGOING: CODE ENF)
3. Vehicles shall *not* be tested off-site on residential streets. (ONGOING: CODE ENF)
4. There shall be no *outdoor* repair or *outside storage* of parts on site. (ONGOING: CODE ENF)

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 my *my* flagrant violation and/or continued violation of any condition of approval.

Appeals of my 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)