

RESOLUTION NO. R-98- 122

RESOLUTION APPROVING ZONING PETITION CA84-82(B)
CLASS A CONDITIONAL USE
PETITION OF SMITH M. AND AUDREY E. BLANCHARD
BY DAVID CARPENTER, AGENT
(AUTOMOTIVE FACILITY)

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 CA84-82(B) was presented to the Board of County Commissioners at a public hearing conducted on January 8, 1998; 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 CA84-82(B), the petition of Smith M. and Audrey E. Blanchard, by David Carpenter, agent, for a Class A Conditional Use (CA) Vehicle Sales and Rental Use and Automotive Paint or Body Shop 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 January 8, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 1998.

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

Petition CA84-82(B)
Project No. 1000404

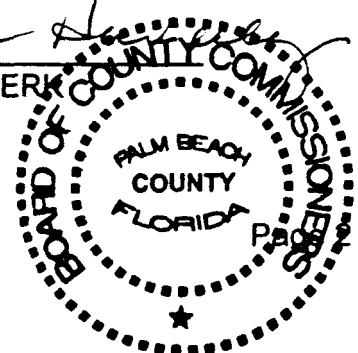


EXHIBIT A
LEGAL DESCRIPTION

84-82 B JUL 16 1997

LEGAL DESCRIPTION

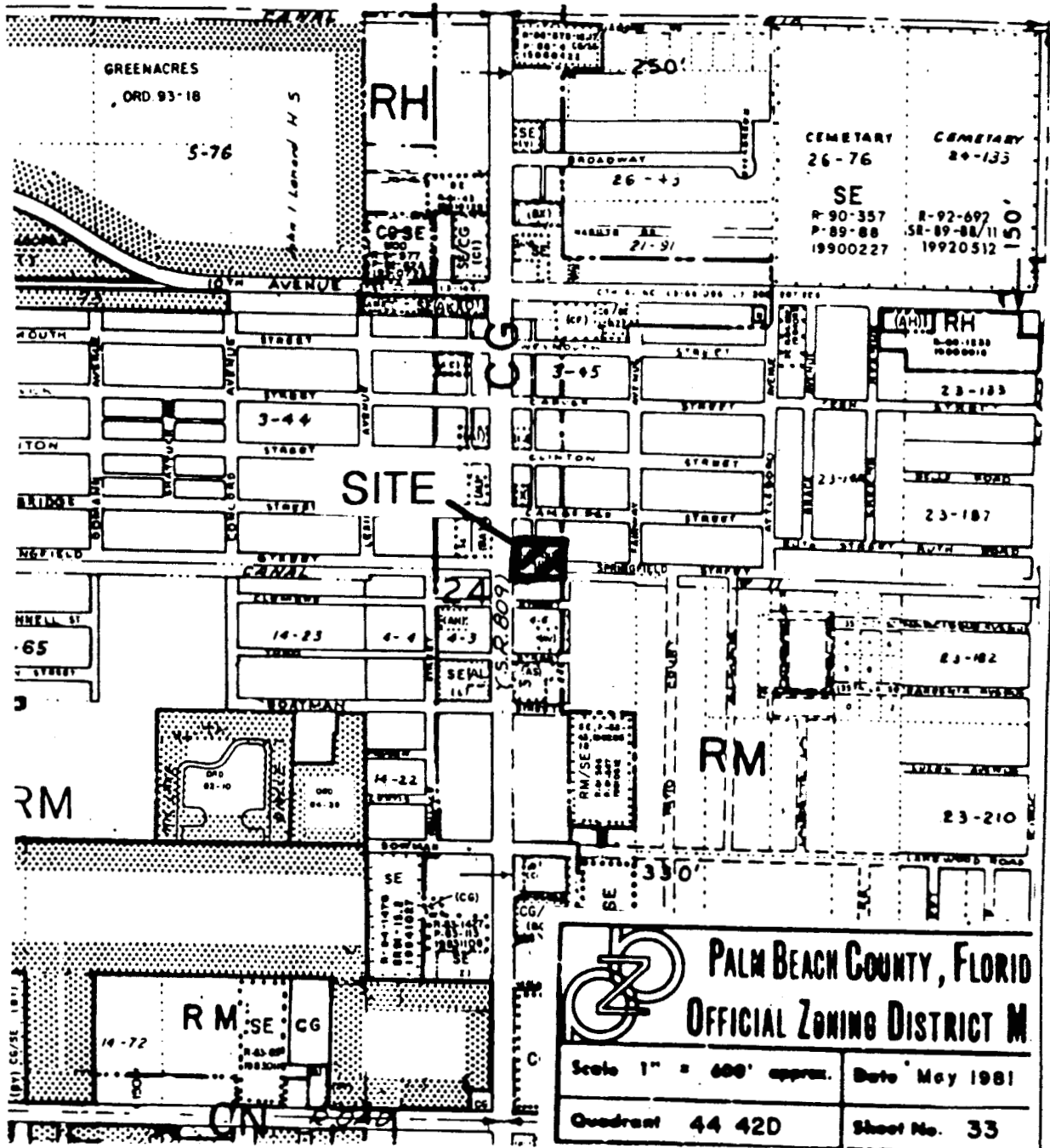
Lots 39-47, inclusive, of KENWOOD, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 3, Pages 44 and 45, less the West 10 feet of Lots 44-47, inclusive.

Together with that portion of the 20 foot service street adjacent and westerly of Lot 43 bounded on the North by the Westerly prolongation of the North line of Lot 43 and on the South by the Westerly prolongation of the South line of Lot 43. Together with that portion of the Northerly 30 feet of Springfield Street adjacent thereto bounded on the West by the Southerly prolongation of the West line of Lot 44 and on the East by the Southerly prolongation of the East line of Lot 39, LESS the West 10 feet for Military Trail right-of-way.

Together with the East 226.07 feet of the West 266.07 feet of the 32 foot "Drainage Ditch," lying North of Block 12, according to Plat VI GREENLAND, according to the plat thereof recorded in Plat Book 4, Page 6, Public Records of Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 84-82B
 Zoning Quad Page _____
 Date: July 16, 1997



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-84-1307 (Petition 84-82) 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. The approved site plan is dated December 15, 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. (DRC: ZONING)
3. Condition 1a of Resolution R84-1307, Petition 84-82 which currently states:

Prior to certification of the site plan **by** the Site Plan Review Committee, the site plan shall be modified to reflect the following:
 - a). Delineation of the display parking areas. (**Is hereby deleted.** Reason: Superseded by Condition A.2)
 - b). The addition of a **six foot** high wall around the non-frontage perimeters of the site. (**Is hereby deleted.** Reason: Superseded **by** Conditions **D** and **F**)
4. Reasonable precautions shall be exercised during site development **to** ensure that unconfined particulate (dust particles) from this property **do not become a** nuisance to neighboring properties. (Previous Condition **5** of Resolution R84-1307, Petition 84-82).
5. Reasonable measures shall be employed during site development **to** ensure that no pollutants from this property shall enter adjacent **or** nearby surface waters. (Previous Condition **6** of Resolution R84-1307, Petition 84-82).

B. LAKE WORTH DRAINAGE DISTRICT EASEMENT

1. Prior to final site plan certification by the Development Review Committee, the petitioner shall obtain approval from the Lake Worth Drainage District (LWDD) to install landscape buffers along the Canal L-11 easement. (DRC: ZONING)

C. 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)

D. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

- 1. Landscaping and buffering along the west property line **shall** include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous ~~two~~ (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree spaced no more than thirty (30) 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 shall not be substituted for a perimeter canopy tree; 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)

E. ENGINEERING

- 1. Condition 2 of Resolution R-84-1307, Petition 84-82 which currently states:

The development shall retain **onsite 85%** of the storm water runoff generated by a three (**3**) year storm per requirements of the ~~Permit~~ Section, Land Development Division.

~~is~~ hereby deleted. [REASON: Code requirement]
- 2. The property owner shall convey for the ultimate right of way of Military Trail, **60** feet from centerline approximately an additional **7** feet within ninety (**90**) days of Special Exception approval. Conveyance **must** be accepted by Palm Beach County prior to the issuance of ~~the~~ first building permit. This right of way is required for the relocation of utility poles along Military Trail. (Previous Condition 3 of Resolution R-84-1307, Petition 84-82)
- 3. 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. Presently The Fair Share Fee for this project **is \$4475.00**.

If the Fair Share Contribution for Road Improvements **Ordinance** is amended to increase the Fair Share Fee this amount shall be **credited** toward the increased Fair Share Fee. (Previous Condition **4** of Resolution R-84-1307, Petition **84-82**)
- 4. Reasonable precautions shall be exercised during site **development** to insure that unconfined particulate (dust particles) from this **property** do not become a nuisance to neighboring properties. (Previous Condition 5 of Resolution R-84-1307, Petition 84-82)

5. **Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.** (Previous Condition 6 of Resolution R-84-1307, Petition 84-82)

F. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A five (5) foot wide landscape buffer;
 - b. **A** six (6) foot high vinyl-coated chain link fence;
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. 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 forty eight inches. (CO: **LANDSCAPE**)

G. LANDSCAPING ALONG THE NORTH 150 FEET OF EAST PROPERTY LINE

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum five (5) foot wide landscape buffer strip;
 - b. A six (6) foot high opaque concrete wall. The wall shall be given a finished architectural treatment;
 - c. One (1) canopy tree spaced no more than twenty (20) 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 shall not be substituted for a perimeter canopy tree; 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 forty eight inches. (CO: **LANDSCAPE**)

H. LANDSCAPING ALONG THE SOUTH 31.58 FEET OF EAST PROPERTY LINE (WITHIN LWDDL-11 EASEMENT)

1. Landscaping and buffering along the above property line shall include:
 - a. **A** minimum five (5) foot wide landscape buffer strip;
 - b. A six (6) foot high vinyl-coated chain link fence;
 - c. One (1) canopy tree spaced no more than twenty (20) 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 shall not be substituted for a perimeter canopy tree.
 - 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 forty eight inches. (CO: **LANDSCAPE**)

I. 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. All 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 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

J. SIGNS

1. Freestanding sign on Military Trail shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;
 - b. Maximum sign face area per side - one hundred twenty-seven (127) square feet;
 - c. Number of sign - One (1). (CO: BLDG)
2. Any wall signs shall be restricted to the west facade of the building. (CO: BLDG)

K. USE LIMITATIONS

1. Condition 7 of Resolution R84-1307, Petition 84-82 which currently states:

The use shall be limited to the sale and minor repair of automobiles. Cambridge Street shall not used for testing of vehicles. Is hereby modified to read:

 Use of the site shall be limited to 3,770 square feet of Vehicle Sales and Rental and 1,300 square feet of Auto Paint and Body Shop. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less provided parking requirements are met pursuant to Section 7.2.B of the UDC. (DRC: ZONING)
2. Condition 8 of Resolution R84-1307, Petition 84-82 which currently states:

All repair activity shall be conducted within enclosed structures. Repair activity shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Is hereby modified to read:

 All repair/service activity of the Vehicle Sales and Rental use and the Auto Paint and Body Shop shall be conducted within enclosed structures. (ONGOING: CODE ENF)
3. Business activities, including deliveries shall be limited to 8:00 a.m. to 6:00 p.m. Monday to Saturday. No business operations shall be permitted on Sunday. (ONGOING: CODE ENF)
4. Cambridge Street shall not be used for testing of vehicles. (ONGOING: CODE ENF)
5. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF)

6. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)
7. No parking or display of vehicles shall be permitted in the designated loading area. (ONGOING: CODE ENF)
8. No banners, flags, balloons, snipe signs, etc. shall be permitted on site. All advertisements shall be in conformance with the Palm Beach County Sign Code. (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 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)