

RESOLUTION NO. R-99- 966

RESOLUTION APPROVING ZONING PETITION EAC98-011(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MADELINE DESANTI
BY THOMAS LANAHAN, AGENT
(GENERAL GMC TRUCK)

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 EAC98-011(A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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.

ORIGINAL

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 EAC98-011(A), the petition of Madeline DeSanti, by Thomas Lanahan, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to reconfigure the site plan 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 27, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 1999.

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

The south one-half of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida.

Less the right of way for Military Trail as now laid out and in use.

A/K/A **the** southwest one-quarter of Tract 5, Block 1 Palm Beach Plantations (Model Land Company) Plat No. 1 as recorded in Plat Book 10, Page 20 for the Public Records of Palm Beach County, Florida (in Section 1, Township 44 South, Range 42 East).

Contains 4.714 Acres.

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. Condition A1 of Resolution R-98-1308 petition CA 98-011 which currently states:

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 7, 1998. 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.

Is hereby amended to read:

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 May 7, 1999. 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. Condition B1 of Resolution R-98-1308 petition CA 98-011 which currently states:

Total gross floor area shall be limited to a maximum of **22,507** square feet.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 22,507 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and subject to Traffic Division approval. (DRC: ZONING)

2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty (30) feet. (Previous Condition B2 of Resolution R-98-1308 petition CA 98-011) (BLDG PERMIT: BLDG - Zoning)
3. 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. (Previous Condition B3 of Resolution R-98-1308 petition CA 98-011) (BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. . Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (Previous Condition C1 of Resolution R-98-1308 petition CA 98-011)(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 **62-730** FAC. (Previous Condition C2 of Resolution R-98-1308 petition CA 98-011)(ONGOING: HEALTH/CODE ENF)
3. The occupant or tenant of this facility shall participate in an oil recycling program which ensures reuse or disposal of any waste oil. (Previous Condition C3 of Resolution R-98-1308 petition CA 98-011) (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve **(12)** 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.(Previous Condition D1 of Resolution R-98-1308 petition CA 98-011)(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. (Previous Condition D2 of Resolution R-98-1308 petition CA 98-011)(CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. The final drainage plan for the site submitted to the Land Development Division for approval shall address all minimum County and South Florida Water Management Division Criteria. Included in this design shall be an analysis of existing offsite surface flows from the subject site. The final drainage design for this site shall accommodate all offsite drainage from the site for a three **(3)** year twenty four **(24)** hour storm

event. (Previous Condition E.1 of Resolution R98-1308). (DRAINAGE APPROVAL: ENG)

No New Engineering Conditions.

F. LANDSCAPING - INTERIOR

1. The petitioner shall provide a minimum of one **(1)** interior **landscape** island for every twelve **(12)** parking space interval designated as **customer/service**, display and employee parking spaces. (Previously Condition F1 of Resolution R-98-1308 petition CA 98-011)(DRC: ZONING)
2. Foundation planter strips shall be provided along the facades of the buildings (excluding service bay area). The minimum width of the required planter strip shall be five **(5)** feet. The combined length of the required planter strip shall be no less than **40%** of the accumulative length of the applicable side of the structure. All required planter strips shall be planted with appropriate trees, shrubs and ground cover. (Previous Condition F2 of Resolution R-98-1308 petition CA 98-011)(DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG THE WEST 315 FEET OF NORTH PROPERTY LINE AND THE WEST 315 FEET OF SOUTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping along the above property line shall include:

- a. A five **(5)** foot wide landscape buffer strip;
 - b. A minimum eight **(8)** foot high **black, vinyl coated chain link fence**. (Previous Condition G1 of Resolution R-98-1308 petition CA 98-011)(CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. One **(1)** canopy tree planted every twenty **(20)** feet on center; **and**
 - b. 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 **(48)** inches. (Previous Condition G2 of Resolution R-98-1308 petition CA 98-011) (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST 300 FEET OF NORTH PROPERTY LINE:

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. A ten **(10)** foot wide landscape buffer strip;
 - b. A minimum eight **(8)** foot opaque concrete wall. (Previous Condition H1 of Resolution R-98-1308 petition CA 98-011)(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 not supersede the requirement for a canopy tree in that location; and
 - c. 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 **(48)** inches. (Previous Condition H2 of Resolution R-98-1308 petition CA 98-011) (CO: LANDSCAPE)
3. The following landscaping requirements shall be installed on the interior side of the required wall:
- a. 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 **(48)** inches. (Previous Condition H3 of Resolution R-98-1308 petition CA 98-011) (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE AND THE EAST 300 FEET OF SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
- a. A ten **(10)** foot wide landscape buffer strip;
 - b. A minimum eight **(8)** foot high black, vinyl coated chain link fence. (Previous Condition I1 of Resolution R-98-1308 petition CA 98-011)(CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- 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 not supersede the requirement for a canopy tree in that location; and
 - c. 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 **(48)** inches. (Previous Condition I2 of Resolution R-98-1308 petition CA 98-011) (CO: LANDSCAPE)
3. The following landscaping requirements shall be installed on the interior side of the required fence:
- a. 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 **(48)** inches. (Previous Condition I3 of Resolution R-98-1308 petition CA 98-011) (CO: LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE (MILITARY TRAIL FRONTAGE)

1. - Landscaping and buffering along the property line shall include:
 - a. a minimum twenty **(20)** foot wide landscape buffer strip;
 - b. one **(1)** canopy tree for each twenty **(20)** linear 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 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
 - d. twenty four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches. (Previous Condition J1 of Resolution R-98-1308 petition CA 98-011)(CO: LANDSCAPE)

K. LIGHTING

1. Condition K1 of Resolution R-98-1308 petition CA 98-011 which currently states:

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.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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. (Previous Condition K2 of Resolution R-98-1308 petition CA 98-011)(CO: BLDG - Zoning)
3. **All** outdoor lighting shall be extinguished **no** later than 10:00 p.m., excluding security lighting only. (Previous Condition K3 of Resolution R-98-1308 petition CA 98-011)(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. (Previous Condition K4 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF)

L. PARKING

1. Condition L1 of Resolution R-98-1308 petition CA 98-011 which currently states:

The fifty **two (52)** Parking spaces required for **both** employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces.

Is hereby amended to read:

- Parking spaces required for both employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces.(DRC / ONGOING: ZONING / CODE ENF)

2. Condition L2 of Resolution R-98-1308 petition CA 98-011 which currently states:

Bull pen parkingshall be limited to the **inventory/storage** spaces located in the rear of the site.

Is hereby amended to read:

Bull pen parkingshall belimited to the ~~to the~~ inventory/storage spaces located in the area as indicated on the site plan dated May 7, 1999. (DRC / ONGOING: ZONING /CODE ENF)

M. SIGNS

1. **No off** premise signs shall be permitted on site. (Previous Condition M I of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF)

2. Condition M2 of Resolution R-98-1308 petition CA 98-011 which currently states:

Any wall signs shall be limited to the north and west facades **of** the **showroom/sales** building and the south and west facades of the existing parts building.

Is hereby amended to read:

Any wall signs shall be limited to the north, south and west facades of the showroom/sales and service write-up portion of the proposed building. (CO: BLDG. PERMIT)

3. **No** additional freestanding signs except for directional signs shall be permitted on site. (Previous Condition M3 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF)

N. USE LIMITATIONS

1. Hours of operation including deliveries (excluding delivery of parts) shall be limited to **6:00** a.m. and **9:00** p.m. Monday to Friday, **7:00** am to **5** p.m. Saturday, **12:00** p.m. to **5** p.m. Sundays. Sunday operation is limited to sales only and no service repairs or deliveries. Delivery of parts shall be permitted twenty-four (**24**) hours a day and seven (**7**) days a week. (Previous Condition N1 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (Previous Condition N2 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF -Zoning)

3. **No** barbed or razor wire shall be permitted on the site. (Previous Condition N3 of Resolution R-98-1308 petition CA 98-011)(CO/ONGOING: - BLDG -Zoning/CODE ENF)
4. The rear one hundred (**100**) feet depth of the site is limited to dry retention use and for preservation of existing trees. (Previous Condition N4 of Resolution R-98-1308 petition CA 98-011)(CO/ONGOING: BLDG - Zoning/CODE ENF)
5. Vehicle storage, inventory, or storage of any kind is prohibited on the eastern 2.10 acre portion (cross-hatched portion) of the site. This portion of the site shall be limited to at-grade parking, landscaping, and water retention. (ONGOING/PLANNING)

O. VEHICLE SALES OR RENTAL

1. Vehicles shall not be elevated **off** the ground in any way. (Previous Condition 01 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
2. Vehicles shall not be parked or on display with hoods or trunks **open**. (Previous Condition 02 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
3. Condition 03 of Resolution R-98-1308 petition CA 98-011 which currently states:

A maximum of 38 trucks shall be displayed only in the areas **designated** on the certified site plan dated July **17, 1998**.(ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Prior to DRC final site plan approval, the petitioner shall revise the site plan to delete the vehicle display space(s) opposite to the south access point. (DRC: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. (Previous Condition 04 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
5. An automatic car wash facility, if provided, shall utilize a **100% water** recycling system. (Previous Condition 05 of Resolution R-98-1308 petition CA 98-011)(CO: BLDG -Health)
6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (Previous Condition 06 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
7. The designated unloading area shall be limited a minimum **of one** hundred (**100**) feet from the north, south and east residential **property** lines. (Previous Condition 07 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)

8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (Previous Condition 0 8 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
9. There shall be no outdoor repair of vehicles on site. (Previous Condition 0 9 of Resolution R-98-1308 petition CA 98-011)(ONGOING: CODE ENF - Zoning)
10. Condition 0 10 of Resolution R-98-1308 petition CA 98-011 which currently states:

When this facility is not open, the parking area shall be locked and gated.

Is hereby amended to read:

When this facility is not open, the parking area shall be fenced, locked and gated as indicated on the site plan dated May 7, 1999. (ONGOING: CODE ENF - Zoning)
11. Vehicles shall not be test driven on residential streets. (Previous Condition 0 11 of Resolution R-98-1308 petition CA 98-011)(ONGOING - CODE ENF)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (Previous Condition P1 of Resolution R-98-1308 petition CA 98-011)(ONGOING: MONITORING- Zoning)
2. 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; revocation of any concurrency; 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. (Previous Condition P2 of Resolution R-98-1308 petition CA 98-011)(MONITORING)