

RESOLUTION NO. R-2001- 1366

RESOLUTION APPROVING ZONING PETITION CA1999-016(A)
CLASS A CONDITIONAL USE
PETITION OF MATHIAS STEPLINGER
BY KEVIN MCGINLEY, AGENT
(MATT'S AUTO SERVICE)

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 CA1999-016(A) was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; 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, contingent upon the approval of Small Scale Development Amendment No. 00-SCA 78 COM 2.
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 CA1999-016(A), the petition of Mathias Stemplinger, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow general repair and maintenance 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 August 23, 2001, 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 McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. OO-SCA 78 COM 2 (MATT'S AUTO) is effective.

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

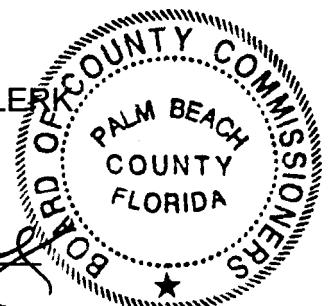


EXHIBIT A
LEGAL DESCRIPTION

Parcel "A"

The North 150.00 feet, as measured perpendicular to the North line of the following described parcel:

Lots A, B, and C in Block 2, PALM BEACH FARMS COMPANY=S PLAT NO. 7, being a Subdivision of Section 30, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5, Page 72, LESS the West 200 feet thereof, and EXCEPT the North 35 feet of Lot AA@, State Road 802 as in Min. Cir. Ct. Book 86, Page 45, Palm Beach County Records.

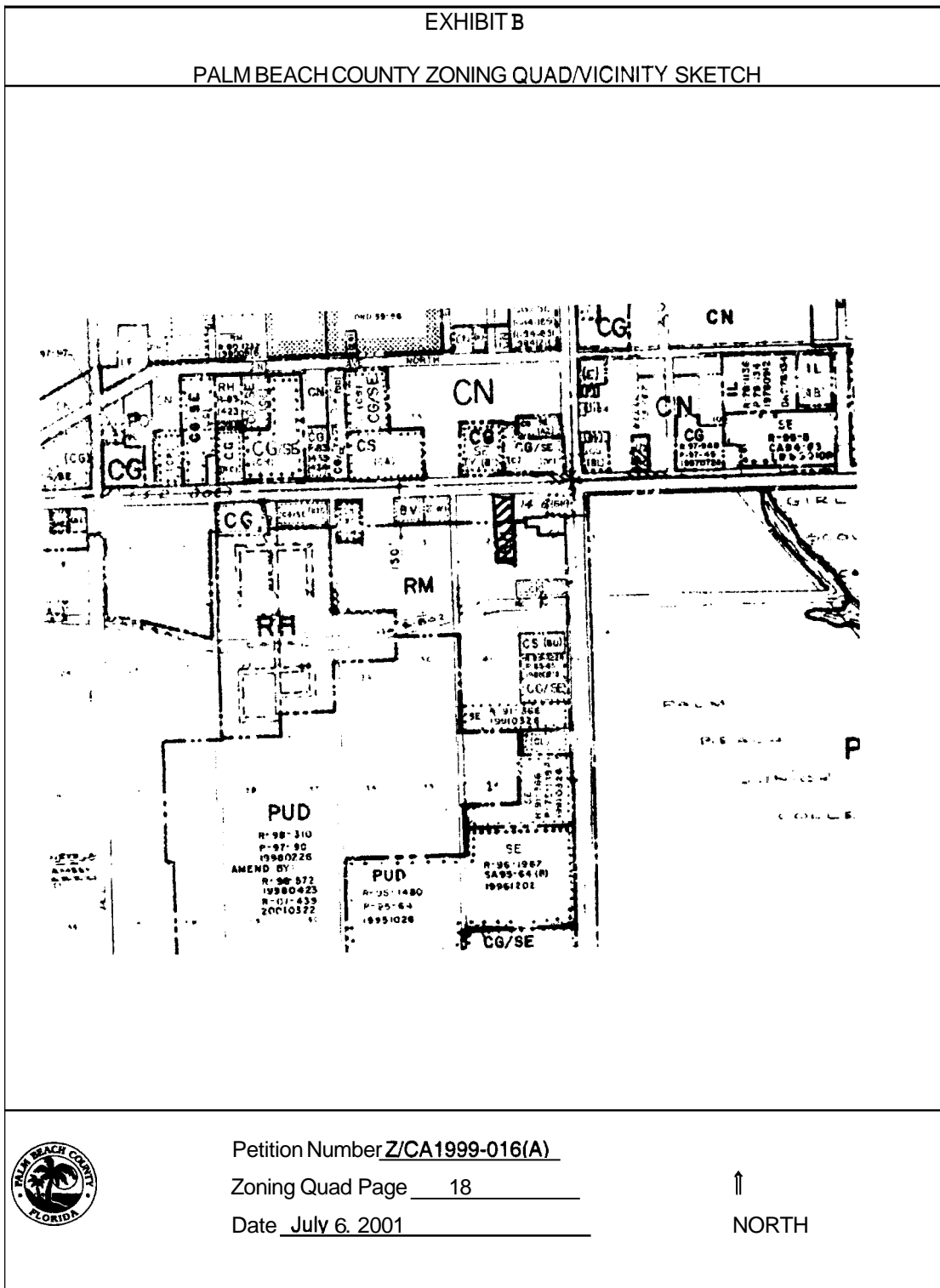
Containing 0.404 Acres or 17,585.71 Square Feet.

Parcel "B"

Lots A, B, and C in Block 2, PALM BEACH FARMS COMPANY=S PLAT NO. 7, being a Subdivision of Section 30, Township 44 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 5 Page 72, LESS the West 200 feet thereof, and EXCEPT the North 35 feet of Lot AA@, Block 2, as appropriated by Palm Beach County for Right-of-way and drainage purposes for State Road 802 as in Min. Cir. Ct. Book 86, Page 45, Palm Beach County Records LESS and EXCEPT the North 150.00 feet, as measured perpendicular to the North line thereof, of the above described parcel.

Containing 0.559 Acres or 24,329.81 Square Feet.

EXHIBIT B
VICINITY SKETCH



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Date July 6, 2001

↑
NORTH

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 June 12, 2001. 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, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines presented to the Board of County Commissioners on April 24, 2001, as amended. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review and approval. Development shall be consistent with the approved architectural elevations. The architectural elevations shall be consistent with the Lake Worth Road Commercial Corridor Overlay (LWRCC-O) design guidelines. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Bay doors shall be limited to the location and orientation as shown on the site plan is dated June 12, 2001. (BLDG PERMIT: BLDG - Zoning)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO LAKE WORTH ROAD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip which may incorporate the proposed outdoor pedestrian plaza;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree per twenty-five (25) linear feet of frontage feet on center;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, 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. Prior to issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING- Eng)

2. LANDSCAPING WITHIN THE MEDIAN OF LAKE WORTH ROAD

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 the adjacent median of Lake Worth Road Right-of-Ways
- provide landscape cutouts within the existing adjacent concrete traffic separators

This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. 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 latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing 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 for the concrete median cutouts, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees 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. (CO: MONITORING- Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents,

evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

F. 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. (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. (ONGOING: HEALTH/CODE ENF)
3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

G. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated June 12, 2001. These decorative pedestrian pathway areas are to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated June 12, 2001. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the Lake Worth Road Corridor Study Area incorporated onto the site plan dated June 12, 2001. (DRC: PLANNING)
3. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the site plan which reads "future cross-connection pave to property line." (CO: MONITORING-BUILDING-Planning)

H. SIGNS

1. Freestanding point of purchase sign on Lake Worth Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point seven (7) feet;
 - b. Maximum sign face area per side - 70 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Wall signs shall be limited to north facade of the retail/repair building and shall be limited to eighteen (18) inches high. (CO: BLDG)

I. USE LIMITATIONS

1. No general repair allowed on Sundays. (ONGOING: CODE ENF - Zoning)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the buildings. (ONGOING: CODE ENF - Zoning)
3. The southern building shall limited to an accessory office and inventory storage only. (ONGOING: CODE ENF)
4. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)

J. 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. (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 Code Enforcement Special Master 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)