

RESOLUTION NO. R-96-815

RESOLUTION APPROVING ZONING PETITION DOA90-09(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MORSE OPERATIONS INC.
BY KIERAN KILDAY, AGENT
(SATURN DEALERSHIP)

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 DOA90-09(B) was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1996; 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.

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 DOA90-09(B), the petition of Morse Operations Inc., by Kieran Kilday, agent, for a Development Order Amendment (DOA) to increase square footage (+3,000) 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 June 24, 1996, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Debra A. Altman*
COUNTY ATTORNEY

BY: *Jean Adery*
DEPUTY CLERK

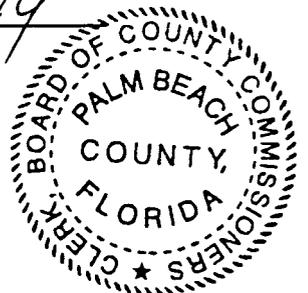


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, LESS right of way for Military Trail (S.R. 809); and less the East 7.0 feet of the West 60.0 feet for road right of way purposes.

TOGETHER WITH:

The North 65 feet of the West 228 feet of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, less that portion of the West 53 feet which lies Easterly of the 66 foot right of way for State Road 809.

4.99 Acres more or less.

JB/legal/saturn.111

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-95-112 (Petition 90-09 (A)), R-90-1312 and R-90-1313 (Petition 90-09), have been consolidated as contained 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 (site plan dated January 17, 1996). 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. AUTOMOTIVE SERVICE

1. Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF) (Previously Condition No. B.1 of Resolution R-95-112, Petition 90-09(A)).
2. No outside storage of disassembled vehicles or parts thereof shall be permitted on site. (ONGOING: CODE ENF) (Previously Condition No. B.2 of Resolution R-95-112, Petition 90-09(A)).

C. HEALTH

1. 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 agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)
3. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 62-730 FAC. (ONGOING: HEALTH/CODE ENF)
4. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (BLDG PERMIT: HEALTH) (Previously Condition No. B.1 of Resolution R-95-112, Petition 90-09(A)).

5. Sewer service is available to the property, therefore, no septic tank shall be permitted on the site. (BLDG PERMIT: HEALTH) (Previously Condition No. F.2 of Resolution R-95-112, Petition 90-09(A)).
6. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. (BLDG PERMIT: HEALTH) (Previously Condition No. F.3 of Resolution R-95-112, Petition 90-09(A)).
7. No portion of this project is to be approved on well and/or septic tank, existing *or* new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. (BLDG PERMIT: HEALTH) (Previously Condition No. F.4 of Resolution R-95-112, Petition 90-09(A)).

D. BUILDING & SITE DESIGN

1. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate the delineation of required customer parking spaces.
 - a. All perimeter landscape strips shall be upgraded with minimum ten (10) feet high native canopy trees spaced twenty (20) feet on center. (DRC:ZONING) (Previously Condition No. C.1 of Resolution R-95-112, Petition 90-09(A)).
2. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow some flexibility in the elimination of parking stalls and subsequent relocation of interior landscape islands which will allow for the preservation of more slash pines. (DRC:ZONING/ERM) (Previously Condition No. C.2 of Resolution R-95-112, Petition 90-09(A)).

E. ENGINEERING

1. Any additional retention requirements identified in later stages of development shall be accommodate⁵ in exfiltration trenches, passive at grade retention areas or by reductions in the size of the specialized vehicular use area. (BLDG PERMIT: ENGINEERING) (Previously Condition No. E.1 of Resolution R-95-112, Petition 90-09(A)).
2. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (BLDG PERMIT: ENGINEERING) (Previously Condition No. E.2 of Resolution R-95-112, Petition 90-09(A)).

3. The Developer shall design the drainage system such that drainage from those areas which map contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (BLDG PERMIT: ENGINEERING) (Previously Condition No. E.3 of Resolution R-95-112, Petition 90-09(A)).
4. The property owner 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. (BLDG PERMIT: ENGINEERING) (Previously Condition No. E.4 of Resolution R-95-112, Petition 90-09(A)).
5. The property owner 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. The Fair Share Fee for this project, Zoning Petition Number 90-09(A), to be paid at the time of issuance of the Building Permit presently is \$7,920 (144 additional trips X \$55.00 per trip) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator).

LANDSCAPE WITHIN MEDIAN

- 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 of Military Trail right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 and 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 and shall be consistent with the landscaping theme adopted for this roadway. 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 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's 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng.)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng.)

F. ENVIRONMENTAL RESOURCE MANAGEMENT

1. The petitioner shall reconfigure the parking area to allow for the preservation of existing vegetation on site if necessary at time of issuance of Vegetation Preservation Permit. (DRC: ERM) (Previously Condition No. D.1 of Resolution R-95-112, Petition 90-09(A)).
2. Prior to Site Plan Review Committee, the petitioner shall submit a vegetation preservation report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit. (DRC:ZONING/ERM) (Previously Condition No. D.2 of Resolution R-95-112, Petition 90-09(A)).
3. The northeastern portion of the site and perimeter landscape strips shall be treated as natural areas. Only passive storm water retention shall be permitted in these areas. No grade change, trenching or removal of vegetation (excepting prohibited species) shall be permitted here. (BLDG PERMIT: ERM) (Previously Condition No. D.3 of Resolution R-95-112, Petition 90-09(A)).
4. The petitioner shall submit a tree survey to locate and verify the preservation of existing slash pines within all perimeter landscape strips, interior landscape islands and medians. (DRC: ERM) (Previously Condition No. D.4 of Resolution R-95-112, Petition 90-09(A)).

G. LANDSCAPING - STANDARDS

1. All 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. (CO:LANDSCAPE-Zoning) (Previously Condition No. G.1 of Resolution R-95-112, Petition 90-09(A)).

H. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF) (Previously Condition No. H.1 of Resolution R-95-112, Petition 90-09(A)).

I. RECYCLE OIL

1. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: ERM) (Previously Condition No. 1.1 of Resolution R-95-112, Petition 90-09(A)).

J. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: SWA) (Previously Condition No. J.1 of Resolution R-95-112, Petition 90-09(A)).

K. VEHICLE SALES OR RENTAL

1. No outdoor loudspeaker system shall be operated on site between the hours of 6:00 p.m. and 8:00 a.m. (ONGOING: CODE ENFORCEMENT) (Previously Condition No. K.1 of Resolution R-95-112, Petition 90-09(A)).
2. The petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of vehicular traffic circulation areas, shall not be adjacent to residentially zoned lots. The unloading area shall be located a minimum of one hundred feet from any residentially zoned property. (DRC: CODE ENF) (Previously Condition No. K.2 of Resolution R-95-112, Petition 90-09(A)).
3. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan. (ONGOING: CODE ENF-Zoning) (Previously Condition No. K.3 of Resolution R-95-112, Petition 90-09(A)).
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. (ONGOING: CODE ENF) (Previously Condition No. K.4 of Resolution R-95-112, Petition 90-09(A)).
5. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, except where currently existing, or oriented toward any adjacent public street, unless it can be demonstrated to the Site Plan Review Committee that it is not feasible to comply. (DRC/BLDG PERMIT: CODE ENF) (Previously Condition No. K.5 of Resolution R-95-112, Petition 90-09(A)).
6. Use of the site shall be limited to the commercial sales, leasing and repair of new or used automobile and customary accessory uses. (ONGOING: CODE ENF) (Previously Condition No. K.6 of Resolution R-95-112, Petition 90-09(A)).

7. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives. (ONGOING: CODE ENF) (Previously Condition No. K.7 of Resolution R-95-112, Petition 90-09(A)).
8. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division. (DRC:ZONING) (Previously Condition No. K.8 of Resolution R-95-112, Petition 90-09(A)).
9. No outdoor speaker or public address systems which are audible from the exterior of the site, shall be permitted. (ONGOING: CODE ENF) (Previously Condition No. K.9 of Resolution R-95-112, Petition 90-09(A)).
10. No vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. (ONGOING: CODE ENF) (Previously Condition No. K.10 of Resolution R-95-112, Petition 90-09(A)).

L. COMPLIANCE

1. Condition L.1 of Resolution R-95-112, Petition 90-09(A), which currently states:

AS provided in the Palm Beach County Zoning code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to state:

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,

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)