

RESOLUTION NO. R-96-1732

RESOLUTION APPROVING ZONING PETITION CA96-69
CLASS A CONDITIONAL USE
PETITION OF GARDENETTE ROYAL PROPERTIES INC.
BY ROBERT BASEHART, AGENT
(PALM BEACH KIA)

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 CA96-69 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 1996; 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.
0. 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 CA96-69, the petition of Gardenette Royal Properties Inc., by Robert Basehart, agent, for a Class A Conditional Use (CA) to allow vehicles sales and rental 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 September 26, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	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 24, 1996.

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

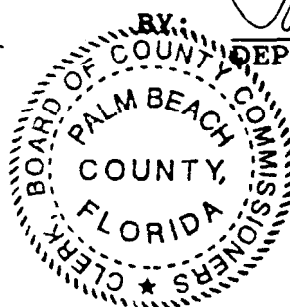


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION TO ACCOMPANY WSC DWG. NO. 87-1156-5 (RES. PARCEL):
Parcel A

South 1/2 of the Northeast **114** of the Southwest **114** also being Lot 2, Block 3, **PALM BEACH PLANTATIONS**, recorded in Plat **Book 10**, page **20**, of the Public Records of Palm Beach County, Florida, less the West **787** feet as measured along the **South line less the North 111.04** feet as measured along the West line and less the South **371.06** feet as measured along the West line and less the East **402** feet as measured along the South line of Section 1, Township **44** South, Range **42**, East, Palm Beach County, Florida.

Less the West **20** feet for road right of way purposes.

Parcel B

The West **95.89** feet of the East **402** feet of the South **81.15** feet of the North **192.18** feet of the South one-half of the Northeast **114** of the Southwest **114** of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida.

Parcel C

The North **85.53** feet of the North Half of the South **371.06** feet, as measured along the West line, less the West **787** feet, as measured along the South line, and less the South **256** feet, as measured along the East line of the East **362** feet, as measured along the South line, and less the East **402** feet, as measured along the South line of the North **115.06** feet of the South **371.06** feet, as measured along the East line of the South Half of the Northeast quarter of the Southwest quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida, less the West **20** feet for road right of way purposes.

Parcel D

The North **70.47** feet of the South **256** feet of the East **186.21** feet of the West **973.21** feet and the North **29.53** feet of the South **285.53** feet of the East **146.21** feet of the West **933.21** feet of the NE 1/4 of the SW 1/4 of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida, less the West **20** feet for road right of way purposes.

Parcel E (O.R.B. 514, Page 649)

The North Half (N 1/2) of the South **185.53** feet, as measured along the West line, of the East **182.21** feet of the West **973.21** feet as measured along the South line, of the South Half (S 1/2) of the Northwest Quarter (NE **114**) of the Southwest Quarter (SW **114**) of Section 1, Township **44** South, Range **42** East.

SUBJECT to an easement for road and street purposes over and across the West **20** feet of the above described property.

Less the right of way for Bonnie Lane in O.R.B. 2310, page 882.

Parcel F (O.R.B. 1196, Page 7)

The Westerly **60** feet of the Easterly **362** feet of the Northerly **100** feet of the Southerly **216** feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida.

Parcel G (O.R.B. 5337, Page 1185)

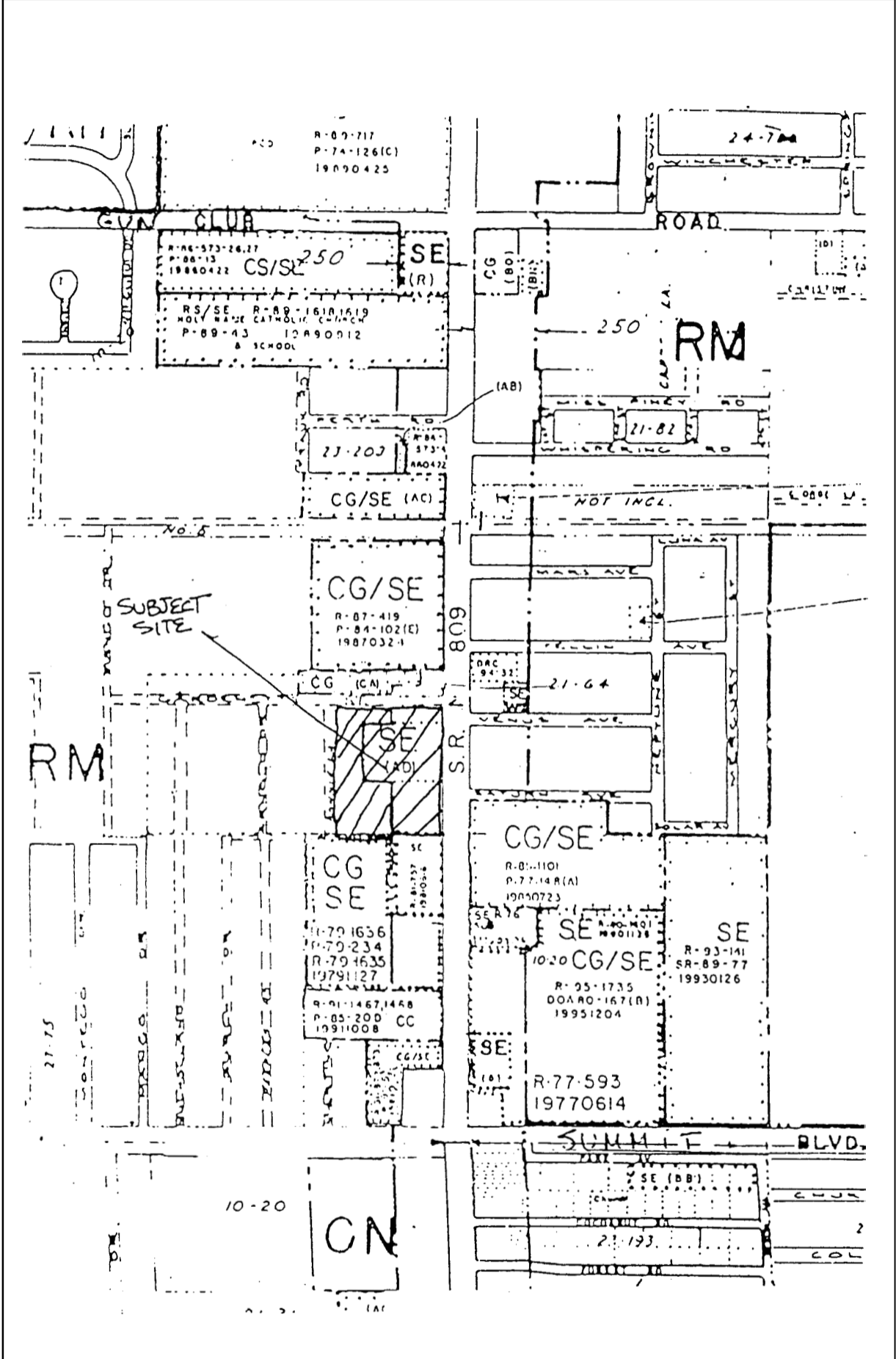
The South Half of the South **185.53** feet as measured along the West line. LESS the West **787** feet and LESS the East **362** feet as measured along the South line of the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida.

Parcel H

The Westerly 60 feet of the Easterly **362** of the Southerly **216** feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number Z/CA96-69
 Zoning Quad Page _____
 Date: June 19, 1996



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. The approval granted in Resolution R-80-225 (Petition 80-10), is hereby revoked. (MONITORING)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated August 2, 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. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of twenty seven thousand four hundred (27,400) square feet. (DRC: ZONING)
2. The minimum setback for the service building shall be one hundred (100) from the west property line. (DRC: ZONING)
3. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
4. Bay door openings shall not be permitted on the facade of buildings directly facing residential areas or public streets. (BLDG PERMIT: BLDG - Zoning)
5. 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 principle structure or equivalent landscape material. (CO: BLDG/LANDSCAPE - Zoning)
6. Similar architectural character and treatment shall be provided on all sides of the buildings visible from perimeter property lines. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to final DRC site plan certification. (DRC: ERM)

D. 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 the 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 reuse or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

3. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.' (ENG)
2. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for 2 twenty-five foot corner clips, free of all encumbrances and encroachments. Property owner 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. One corner clip in the southwest corner of Military Trail and Gardenette Road and the 2nd is located in the southeast corner of the intersection of Gardenette Road and Bonnie lane. (DATE/BLDG PERMIT: MONITORING - Eng)
3. Prior to Site Plan approval by the Development Review Committee, the property owner shall revise the site plan to reflect one access onto Military Trail in accordance with Florida Department of Transportation access management criteria. (DRC: ENG)
4. **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(s) of all abutting rights-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. 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)
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 to be paid at the time of issuance of the Building Permit for this project, Zoning Petition 96-69, presently is \$36,520 (664 additional trips X \$55.00 per trip) (ONGOING: ACCOWCING - Fair Share Fee Coord)

F. LANDSCAPING

1. All trees required to be planted shall meet the following minimum standards at time of 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)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
- a. Palm heights: twelve (12) feet grey wood.
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING - INTERIOR

1. 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. (DRC: LANDSCAPE - Zoning)
2. Landscaped divider medians shall be provided between all rows of abutting parking designated as customer/service, display and employee parking spaces. The minimum width of the median shall be five (5) feet with one tree and appropriate ground cover installed a maximum spacing of thirty (30) feet on center. (DRC / CO: ZONING / LANDSCAPE)
3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC / CO: ZONING / LANDSCAPE)

4. Landscape planters shall be provided on the facades of all structures. The combined length of the required landscape planters shall be no less than 40% of the total length of the applicable side of the structure. The minimum width of the required foundation landscape planters shall be five (5) feet. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL)

1. Landscaping and buffering along the east property line shall include:
 - a. a minimum fifteen (15) 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 (20) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters; and
 - d. twenty four (24) inch high shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches.
 - e. an additional group of three (3) palms may be substituted for a perimeter canopy tree (CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)

I. LANDSCAPING ALONG WEST PROPERTY LINE (BONNIE LANE) AND WEST TWO HUNDRED TWENTY (220) FEET OF NORTH PROPERTY LINE (GARDENETTE ROAD)

1. Landscaping and buffering along the west property line and the west two hundred twenty (220) foot of the north property line shall include:
 - a. a minimum twelve (12) foot wide landscape buffer strip;
 - b. a continuous eight (8) foot concrete wall to be located on the inside of the buffer with a finished architectural treatment facing the residential area and adjacent right of ways;
 - 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; and
 - e. 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 sixty (60) inches.
 - f. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)

J. LANDSCAPING ALONG NORTH PROPERTY LINE (REMAINING EASTERN PORTION OF GARDENETTE ROAD)

1. Landscaping and buffering along the north property line shall include:
 - a. a minimum fifteen (15) 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; and
- d. twenty four (24) inch high shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.
- e. a group of three (3) palms shall not be substituted for a perimeter canopy tree. CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)

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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. Lighting along the west property line, adjacent to a residential zoning district, shall be hooded and wall mounted at a height below the proposed wall. (CO: BLDG - Zoning)

L. PARKING

- 1. The fifty (50) customer/service parking spaces shall be designated with signage and separated from display and inventory/storage spaces. (DRC/ONGOING: CODE ENF - Zoning)
- 2. The thirty (30) parking spaces designated as employee parking spaces shall be designated with signage and separated from display and inventory/storage spaces. (DRC/ONGOING: CODE ENF-Zoning)
- 3. All parking spaces designated as inventory/storage spaces shall be located within two hundred twenty feet (220) of the west property line. (DRC/ONGOING: CODE ENF-Zoning)
- 4. All parking spaces designated as inventory/storage spaces shall be separated from other spaces by a fence with a five (5) foot landscape divider median and not accessible to the public. (DRC/ONGOING: CODE ENF-Zoning)

M. SIGNS

- 1. Point of purchase signs shall be limited as follows:
 - a. Maximum sign heights, measured from finished grade to highest point - existing twenty five (25) foot high sign shall be reduced to fifteen (15) feet and one new fifteen (15) foot high sign;
 - b. Maximum sign face area per side - existing one hundred (100) square foot sign and one new one hundred (100) square foot sign;
 - c. Maximum number of signs - two (2);
 - d. Style - one existing freestanding pole sign and one new monument style sign;

- e. Location - Military Trail only. The existing sign shall be located midway between the Military Trail entrance and Gardenette Road. The new sign shall be located midway between the Military Trail entrance and the south property line. (BLDG PERMIT: BLDG - Zoning)
2. Only one directional sign shall be permitted on Gardenette Road. (BLDG PERMIT: BLDG - Zoning)
3. No wall signs shall be permitted on the west or south facades of the buildings. (BLDG PERMIT: BLDG - Zoning)
4. The existing billboard shall be removed prior to October 1, 1997. (Note: no administrative time extensions will be allowed). (DATE: MONITORING - Bldg)

N. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF - Zoning)
2. Vehicles shall not be elevated off the ground or parked in front of perimeter buffers. (ONGOING: CODE ENF - Zoning)
3. Vehicles for display and inventory/storage shall be parked only in the areas designated on the certified site plan. (ONGOING: CODE ENF - 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. (ONGOING: CODE ENF - Zoning)
5. The designated unloading area shall be limited to approximately one hundred eighty (180) feet from the north and west property lines. (ONGOING: CODE ENF - Zoning)
6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG - Health)
7. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
9. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)
10. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning)
11. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)
12. Vehicles shall not be test driven on residential streets. (ONGOING - CODE ENF)

O. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

P. 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.

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)