

RESOLUTION NO. R-99- 1143

RESOLUTION APPROVING ZONING PETITION DOA89-110(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF AUTO CARE CENTER OF HYPOLUXO, INC.
BY ROBERT BASEHART, AGENT
(HYPOLUXO AUTO CARE CENTER)

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 DOA89-110(B) was presented to the Board of County Commissioners at a public hearing conducted on June 29, 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.

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 DOA89-110(B), the petition of Auto Care Center of Hypoluxo, Inc., by Robert Basehart, agent, for a Development Order Amendment (DOA) to modify condition M.4 and delete condition H.2 in R-96-1185 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 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 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 FOLLOWING DESCRIBED LAND, SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, TO-WIT:

THE SOUTH 200 FEET OF THE WEST 200 FEET OF THAT PORTION OF THE EAST QUARTER OF THE SOUTHWEST QUARTER LYING NORTH OF HYPOLUXO ROAD, BEING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS THE SOUTH 200 FEET OF THE WEST 200 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE RIGHTS-OF-WAYS FOR STATE ROAD NO. 809, (MILITARY TRAIL) AND HYPOLUXO ROAD, WHICH SAID LANDS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE START AT THE SOUTH QUARTER CORNER OF SAID SECTION 1, AND RUN NORTHERLY ALONG THE EAST LINE OF THE SW 1/4 OF SAID SECTION 1, FOR A DISTANCE OF 104.05 FEET; THENCE RUN NORTH 88°59'33" WEST FOR A DISTANCE OF 57.46 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL) WITH THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, SAID POINT BEING ALSO THE SOUTHEAST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN NORTH 88°59'33" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD FOR A DISTANCE OF 605.36 FEET TO THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED; THENCE TURNING AN ANGLE OF 91°23'23" WITH THE PREVIOUS COURSE MEASURED FROM EAST TO NORTH AND RUN 1267.72 FEET TO THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED; THENCE TURNING AN ANGLE OF 89°12'22" WITH THE PREVIOUS COURSE, MEASURED FROM SOUTH TO EAST AND RUN 613.65 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 809, SAID POINT BEING THE NORTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 809 WHICH IS AT AN ANGLE OF 90°45'05" WITH THE PREVIOUS COURSE, MEASURED FROM WEST TO SOUTH, A DISTANCE OF 888.09 FEET TO A POINT OF CURVATURE, TO WHICH CURVE THE PREVIOUS COURSE IS TANGENT; THENCE RUN SOUTHERLY ALONG THE SAID ROAD RIGHT-OF-WAY LINE WHICH IS THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 11,409.19 FEET, AND A CENTRAL ANGLE OF 1°54'28" A DISTANCE OF 379.90 FEET TO THE POINT OF BEGINNING.

EXCEPTING HOWEVER, THE RIGHT OF WAY FOR HYPOLUXO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6347, PAGE 214, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 37171 SQ. FEET OR 0.85 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

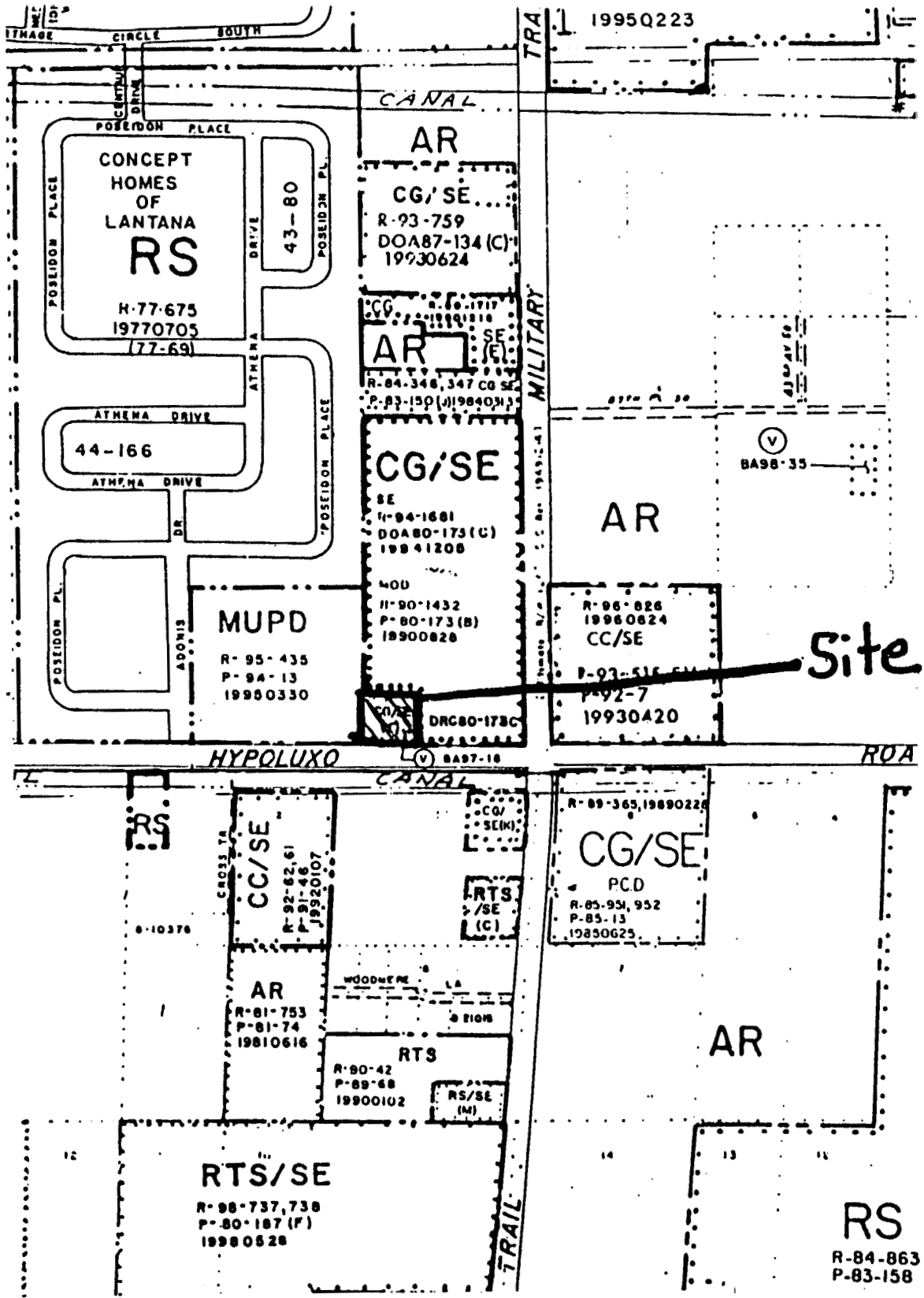


EXHIBIT C

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 Resolution R-90-582 (Petition 89-110), 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. (Previously Condition A1 of Resolution R-96-1185 Petition 89-110(A)) (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 June 28, 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. (Previously Condition A2 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate:
 - a. Compliance will all minimum Zoning Code requirements and land development regulations;
 - b. **A** twenty-five (25) foot unobstructed back-up distance for all ninety degrees parking spaces.
 - c. Landscaping along Hypoluxo Road, the north property line and the east property line shall be upgraded with minimum twelve (12) foot high native canopy trees, spaced twenty (**20**) foot on center with a minimum thirty (**30**) inch hedge spaced twenty-four (24) inches on center. (Previously Condition B1 of Resolution R-96-1185 Petition 89-110(A)) (DRC: ZONING)
2. **No** disassembled vehicles shall be permitted to be parked or stored on site. **No** outside storage of disassembled or inoperative vehicles, or parts thereof, shall be permitted. (Previously Condition B2 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: CODE ENF)
3. There shall be no outdoor storage of debris, equipment, or material on the site. (Previously Condition B3 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: CODE ENF)
4. **No** outdoor loudspeaker system shall be permitted on site. (Previously Condition B4 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: CODE ENF)

5. **No** openings shall be permitted in the western facade of the **4,275** square foot repair facility excepting required emergency exits. (Previously Condition B5 of Resolution R-96-1185 Petition 89-110(A)) (BLDG PERMIT: BLDG)

C. CROSS-ACCESS

1. Prior to final DRC approval, the property owner shall **submit** an executed cross access easement between this property owner and the parcel to the west, subject to approval by the County Attorney. **In** the event the adjoining property owner does not consent to the cross-access easement, the property owner (Petition **No. 89-110A**) shall **record** in the public records of Palm Beach County, a cross access easement to the parcel to the west, in a manner and form acceptable to the **County** Attorney and the Palm Beach County Department of Engineering and Public Works. (Previously Condition C I of Resolution R-96-1185 Petition 89-110(A)) (DRC: CO ATT / ENG)

E. ENGINEERING

No Engineering Conditions

F. HEALTH

1. 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. (Previously Condition F1 of Resolution R-96-1185 Petition 89-110(A))(ONGOING: HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition F2 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition F3 of Resolution R-96-1185 Petition 89-110(A))(ONGOING: HEALTH)
4. **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. (Previously Condition F4 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: HEALTH)

G. LANDSCAPING

1. Alternative Landscape Strip **No. 3** shall be installed along the west property line and upgraded with twelve (**12**) foot high native canopy trees, planted twenty (**20**) feet on center. (Previously Condition G' of Resolution R-96-1185 Petition 89-110(A))
2. All trees required to be planted on site by this approval, except on individual residential lots, 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 grace.
 - 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. (Previously Condition G2 of Resolution R-96-1185 Petition 89-110(A))(CO: LANDSCAPE - Zoning)
3. Landscape islands shall be provided along the front of the building. The minimum width of the required landscape islands shall be five **(5)** feet. All required landscape islands shall be planted with a minimum of one **(1)** tree or palm and appropriate ground cover. (Previously Condition G3 of Resolution R-96-1185 Petition 89-110(A)) (DRC/CO: ZONING/LANDSCAPE)
4. Any trees proposed to be removed from the Hypoluxo Road frontage, as a result of the deletion of Condition H.2, shall be relocated to the east and west landscape buffers. (ZONING/LANDSCAPE)

H. LANDSCAPING- PERIMETERS

1. Landscaping and buffering along the north, south, east and ~~west~~ property lines shall be upgraded to include:
- a. One **(1)** canopy tree planted every twenty **(20)** feet on center;
 - b. Thirty **(30)** 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. (Previously Condition H1 of Resolution R-96-1185 Petition 89-110(A)) (DRC/CO: ZONING/LANDSCAPING)
2. Landscaping along the Hypoluxo Road frontage shall be upgraded to include:
- a. A continuous two **(2)** foot high berm;
 - b. A double row of canopy trees thirty **(30)** feet on center of which **50%** can be planted on the interior side of the berm and the remaining **50%** on the exterior side of the berm;
 - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a minimum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Twenty-four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be planted at the top of berm and to be maintained at forty-eight **(48)** inches. (Previously Condition H2 of Resolution R-96-1185 Petition 89-110(A)) (DRC / CO: ZONING / LANDSCAPE)

Is hereby deleted. [Code requirement]

I. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and **streets**. (Previously Condition I1 of Resolution R-96-1185 Petition 89-110(A)) (CO: ZONING/BUILDING)

J. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access **and/or** a bus **stop(s)** on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County **Engineer**.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or **use**, and bicycle rack. (Previously Condition J1 of Resolution R-96-1185 Petition 89-110(A)) (DRC: ZONING - School Board/ Eng/ Planning)

K. PARKING

1. Vehicle parking shall be limited to the parking spaces designated **on** the approved site plan. **No** parking of vehicles shall be **permitted** in landscape areas, rights-of-way, or interior drives. (Previously Condition K1 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING: CODE ENF)

L. RECYCLING OF SOLID WASTE

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. (Previously Condition L1 of Resolution R-96-1185 Petition 89-110(A)) (ONGOING:SWA)

M. SIGNS

1. Off-premise signs shall not be permitted on site. (Previously Condition M1 of Resolution R-96-1185 Petition 89-110(A))(ONGOING: CODE ENF)
2. **All** signage shall comply with the Palm Beach County Sign Code, Ordinance **No. 72-23**, and shall indicate principal uses only. **Specifically**, no snipe signs, banners, balloons, or other prohibited types of advertisement shall be permitted on site. (Previously Condition M2 of Resolution R-96-1185 Petition 89-110(A))(ONGOING: CODE ENF)
3. Prior to the issuance **of** a building permit, the existing billboard sign shall be removed from the site. (Previously Condition M3 of Resolution R-96-1185 Petition 89-110(A))(BLDG PERMIT: ZONING/BLDG)

4. Point of purchase **and/or freestanding** signs fronting on Hypoluxo Road shall be limited as follows:
 - a. Maximum number of signs - one **(1)**;
 - b. Maximum sign height, measured from finished grade to highest point -eight **(8)**feet;
 - c. Maximum sign face area per side - **75** square feet;
 - d. Style -monument style only. (Previously Condition M4 of Resolution R-96-1185 Petition 89-110(A))(CO: BLDG)

Is hereby amended to read:

Point of purchase **and/or freestanding** sign fronting on Hypoluxo Road shall be limited as follows:

- a. Maximum number of signs - one (1);
- b. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- c. Maximum sign face area per side - 100 square feet;
- d. Style - monument style only. (CO: BLDG)

N. USE LIMITATION

1. The site shall have a minimum **of 1,468** square feet of office area. (Previously Condition N1 of Resolution R-96-1185 Petition 89-110(A))(DRC: ZONING)

O. 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**. (Previously Condition 01 of Resolution R-96-1185 Petition 89-110 (A)) (MONITORING)