

RESOLUTION NO. R-94-9

RESOLUTION APPROVING ZONING PETITION CA83-35(A)
CLASS A CONDITIONAL USE
PETITION OF GORDON & BARBARA WHEELER

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have **been** satisfied; and

WHEREAS, Zoning Petition **CA83-35(a)** was presented to the Board of County Commissioners at a public hearing conducted on January 3, 1994; 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 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 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 **CA83-35(A)** the petition of Gordon & Barbara Wheler, by: Kilday & Associates, AGENT for a CLASS A CONDITIONAL USE allowing vehicle sales & rental with repairs, and self service storage 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 January 3, 1994, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 3rd day of January, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

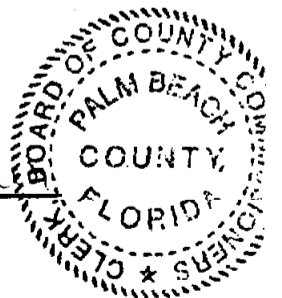


EXHIBIT A
LEGAL DESCRIPTION

(PARCEL 1)

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3, 4, 5, AND 6 OF VELDOR SUBDIVISION, AS RECORDED IN PLAT BOOK 23, PAGE 50, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 50 FEET OF LOT 6 AND THE EAST 13 FEET OF LOTS 1 AND 2 FOR ADDITIONAL ROAD RIGHT-OF-WAY. TOGETHER WITH :

(PARCEL 2)

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 13.0 FEET WEST OF THE NORTHEAST CORNER OF LOT 1 OF VELDOR SUB-DIVISION, AS RECORDED IN PLAT BOOK 23, PAGE 50, OF THE PUBLIC RECORDS OF PALM BEACH COUNN, FLORIDA; SAID POINT BEING LOCATED 53 FEET, WEST OF THE CENTERLINE OF MILITARY TRAIL ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 88°04'42" WEST ALONG THE NORTH LINE OF SAID VELDOR SUBDIVISION, A DISTANCE 468.29 FEET; THENCE NORTH 01°55'18" EAST, A DISTANCE OF 167.97 FEET; THENCE SOUTH 88°06'15" EAST, A DISTANCE OF 467.63 FEET TO A POINT ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, THENCE SOUTH 01°41'42" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 168.19 FEET TO THE AFOREMENTIONED POINT OF BEGINNING;

CONTAINING 3.35 ACRES

EXHIBIT B
VICINITY SKETCH

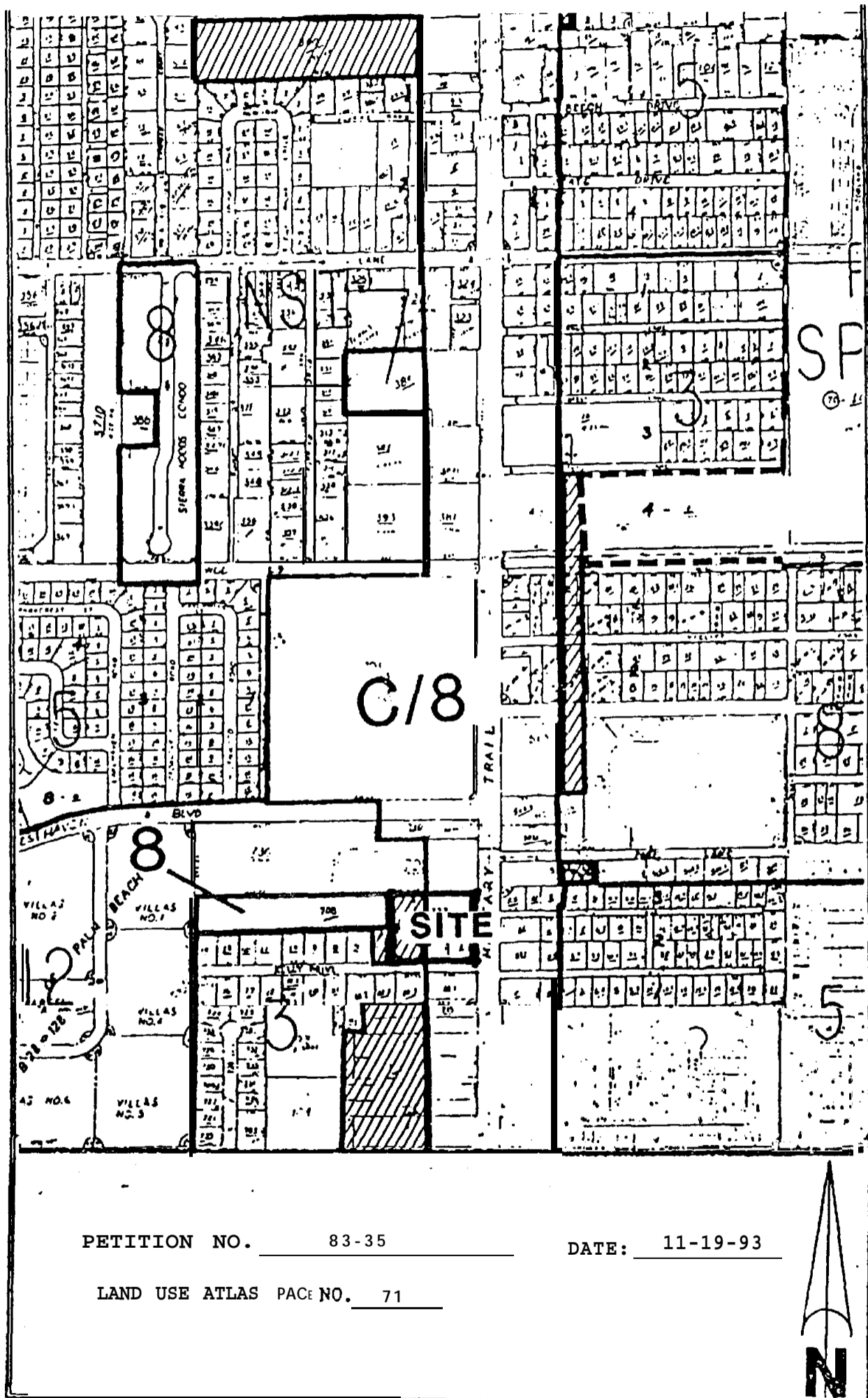


EXHIBIT C

CONDITIONS OF **APPROVAL**

A. GENERAL

1. Resolution R-83-986 together with applicable amendments by Resolution R-84-860 are hereby repealed. (ZONING)
2. To ensure compliance with all requirements, prior to site plan certification by the Development Review Committee (**DRC**), the petitioner shall amend the site plan to indicate:
 - a. drop off and pick up area for stored boats and trailers;
 - b. indicate access from Kelly Drive; and,
 - c. compliance with **all conditions of approval in Zoning Petition [REDACTED] and any subsequent Board of Adjustment action.** (ZONING)
3. To ensure compliance with the requirements of the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall obtain all necessary variances from the Board of Adjustment or indicate compliance with all applicable requirements of the ULDC and revise the and revise the certified site plan accordingly. (ZONING)

B. BOAT STORAGE ONLY

1. To ensure compliance with the proposal, the outdoor storage area shall be limited to a maximum of 130 boats at any time to be stored at ground level only (no stacking). (CODE ENFORCEMENT)
2. To minimize impact to abutting residential, when this facility is not open, the parking and storage areas shall be locked and gated. (CODE ENFORCEMENT)
3. To minimize impact to abutting residential, no service or repair shall be permitted within the designated storage area. (CODE ENFORCEMENT)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing **onsite** sewage disposal systems must be abandoned in accordance with Chapter **10D-6**, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)
3. Site must be properly maintained and graded to avoid standing water in the storage area and to prevent emission of fugitive **particulates**. (HEALTH)
4. All special and hazardous waste associated with mechanical repair and maintenance shall be properly disposed of in accordance with 17-730 and 17-701, Florida Administrative Code. (HEALTH)

5. An approved wash down facility must be provided. This **system** shall use a 100% water recycling system or other approved wastewater disposal method. The system location and the type of wastewater disposal system must be approved prior to site plan approval by D.R.C. (HEALTH)

D. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner 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 consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

<u>Trees :</u>	<u>Ground cover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
 - b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BUILDING/ENGINEERING)
2. All required median landscaping, including watering, shall be the maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association for 90 days and shall be installed on or before issuance of the first Certificate of Occupancy or concurrent with the first plat, whichever occurs first. After the application is submitted, a C.O. may be issued, even if a permit is not issued by the Florida Department of Transportation, provided, a hold harmless and indemnification agreement and funds are posted for the landscaping. (BUILDING/ENGINEER - Zoning)

E. ENGINEERING

1. If required by the County Engineer or the South Florida Water Management District 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 (ENGINEERING).

2. The Property owner shall construct Kelly Drive from Military Trail west to the project's entrance road. This construction shall be to local street standards subject to approval by the County Engineer. The construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but not limited to, utility relocations and acquisition. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).
3. 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 at the time of the Building Permit presently is **\$32,945.00** (599 additional trips **X** **\$55.00** per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING MILITARY TRAIL) AND SOUTH PROPERTY LINE EAST OF THE ENTRANCE FROM KELLY DRIVE (ABUTTING COMMERCIAL USES)

1. To minimize impact to adjoining uses, landscaping within the required buffer along the east property line shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE WEST OF THE ENTRANCE FROM KELLY DRIVE (ABUTTING RESIDENTIAL USES)

1. To minimize impact to adjoining uses, including residential, landscaping within the required buffer along the south property line west of the entrance to the subject site from **Kelly** Drive shall be upgraded to include:
 - a. A six (6) foot high masonry wall along the property line where the subject site abuts residential uses;
 - b. A double row of alternating trees with one (1) native canopy tree planted every twenty (20) feet on center for each row;
 - c. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

2. To ensure adequate buffering to adjoining residential uses, at a minimum, one row of trees and the required hedge shall be planted on the outside of the required masonry wall. (ZONING)

H. LANDSCAPING ALONG WEST AND NORTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. To ensure adequate buffering to adjoining residential uses, landscaping and buffering along the west and north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; with,
 - b. trees twenty (20) feet on O.C. (see F.1.a)
 - c. A six (6) foot high barrier consisting of a wall, fence, berm or combination thereof. The exterior side of the barrier shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)
 - d. Along the northern and west property lines, a 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 forty-eight (48) inches on the exterior side of the barrier. (ZONING)
2. To ensure adequate buffering to abutting residential along the inside side of the required barrier, adjacent to public vehicular use areas only, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of **thirty-six** (36) inches. (ZONING)
3. The petitioner **may** apply for an alternative landscape betterment plan pursuant to Section 7.3.E.6 of the ULDC for the buffer requirements along the north property line contained in these conditions. At a minimum, the required buffer shall include a six (6) foot high opaque barrier and equivalent amount of landscape material to be placed on site. (ZONING)

I. PLATTING

1. Prior to issuance of any development, interior renovation or construction permit, the petitioner shall plat or record a Unity of Title for the subject property in accordance with the requirements of the ULDC. (BUILDING/ENGINEERING)

J. RECYCLE SOLID WASTE

1. The property owner and/or lessees 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. (SWA)

K. SIGN

1. To ensure compliance with the petitioners proposal, **signage** for the site shall be limited to the renovation of the existing sign. The sign height and area shall be limited to the height and area of the existing sign.