

RESOLUTION NO. R-95- 118

RESOLUTION APPROVING ZONING PETITION CA94-81
CLASS A CONDITIONAL USE
PETITION OF FDIC, RECEIVER FOR BANK OF SOUTH PALM BEACH

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) 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 CA94-81 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; 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 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 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 developcent 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 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 CA94-81, the petition of FDIC, Receiver for Bank of South Palm Beach, by: Alan J. Ciklin, Esq., AGENT for a CLASS A CONDITIONAL USE allowing an auto salvage yard in the General Industrial (IG) 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 26, 1995, 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

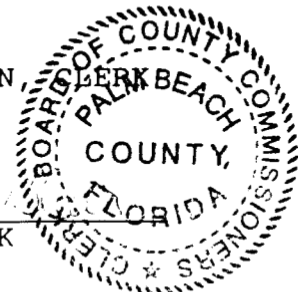


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

A PARCEL OF LAND LYING AND BEING IN TRACT 24, BLOCK 7, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 INCLUSIVE, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF SAID TRACT 24, LESS THE NORTH 60.00 FEET THEREOF AND ALSO LESS THE EAST 66.00 FEET THEREOF FOR ROAD PURPOSES (BENOIST FARMS ROAD).

EXHIBIT B
VICINITY SKETCH

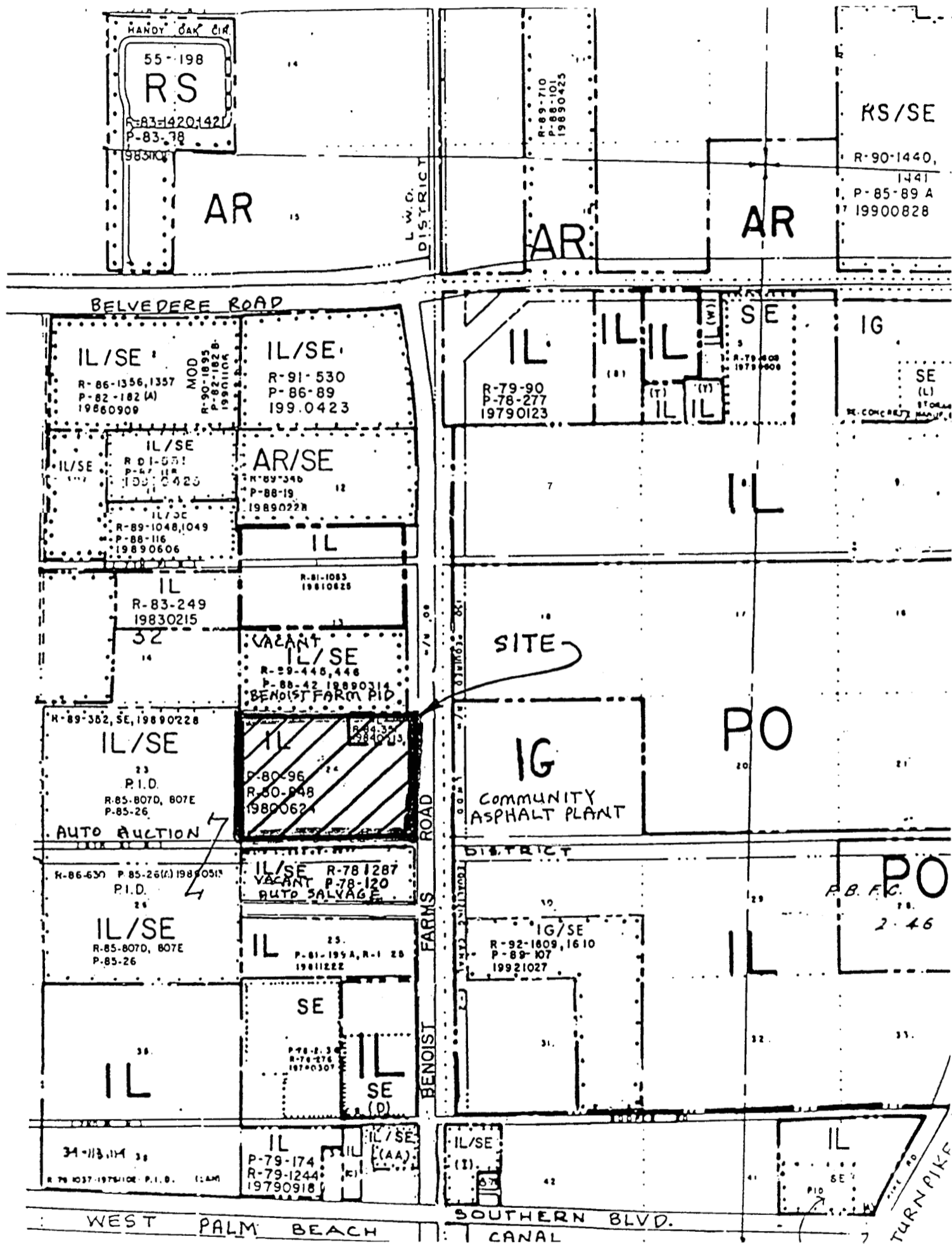


EXHIBIT C

CONDITIONS OF APPROVAL

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The petitioner shall submit to the Department of Environmental Resources Management a Tree Preservation, Relocation and Management Plan for review and approval prior to site plan certification. This plan shall describe in detail the methods and procedures devised to ensure the continued survival of the trees designated for preservation. Sufficient area around the trees and details of all protective structures shall be shown on the site plan prior to certification. (ERM)

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. (ENGINEERING)
2. Prior to July 1, 1995 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Benoist Farms Road, 80 feet west of the proposed Lake Worth Drainage District **E-2** Canal. This additional right of way shall be free of all encumbrances and encroachments. This 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING/BUILDING - ENGINEERING)
3. Prior to site plan certification by the Development Review Committee, the property owner shall submit a revised Master Plan for Benoist Farms PID Industrial Park (Petition 88-42), to reflect the use of tract "C" as a water management tract for this site. (ENGINEERING)
4. Replat of tract "C" and any additional lots for drainage shall be submitted by the property owner prior to the issuance of a Building Permit for this site and approved prior to the issuance of the Certificate of Occupancy for this project. (ENGINEERING)
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 Zoning Petition 94-81 to be paid at the time of issuance of the Building Permit presently is \$28,545.00 (519 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPING - STANDARDS

1. All trees proposed to be planted in the east fifteen (15) foot wide perimeter buffer along Benoist Farms Road 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. (BUILDING-Zoning)

G. SCREENING ALONG NORTH PROPERTY LINE

1. Screening along the north property line shall be upgraded to include:
 - a. Opaque slat inserts installed in the six (6) foot chain link fence a distance of two hundred twenty feet (220') west from the wall along east property line adjacent to Benoist Farms Road.
 - b. The exterior side of the fence is to receive the same Alternative Type 3 landscape treatment as proposed for the remainder of the north property line.

H. PARKING

1. A maximum of 91 customer parking spaces shall be permitted on-site. (BUILDING-ZONING)
2. Overnight storage or parking of vehicles shall not be permitted in the customer parking area. (CODE ENFORCEMENT)
3. The parking area located south of the entrance drive and east of the proposed sales building shall be limited to customer parking only. (BUILDING-CODE ENFORCEMENT)

I. RECYCLE OIL

1. The facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ERM)

J. HAZARDOUS MATERIALS

1. In order to comply with Chapter 17-710 F.A.C. and Section 376.302 F.S. and to prevent toxic or hazardous materials such as transmission fluids, oils, acids, gas and coolants from contaminating groundwater, the car drop area where vehicles are stored for preparation shall be paved with an impervious surface. A pollution monitoring program acceptable to the Health Department shall be required prior to certification by the Development Review Committee. (HEALTH)

K. SIGN

1. Point of purchase sign on Benoist Farms Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BUILDING)

L. USE LIMITATION

1. The hours of business operation (including, but not limited to, when the facility is open to the public and/or when outdoor machinery or equipment is in operation) shall be limited from 7:30 a.m. to 7:00 p.m. Monday thru Saturday. This facility shall not be open on Sundays. (CODE ENFORCEMENT)
2. No storage or placement of any material, refuse, equipment or debris shall be permitted except as shown on the approved site plan. (CODE ENFORCEMENT)
3. No repair of vehicles shall be permitted on site. (CODE ENFORCEMENT)

M. RECORDED EASEMENT

1. Prior to site plan certification, petitioner shall record in the public record a Drainage Easement acceptable to the County Attorney's Office for this property to utilize certain portions of the Benoist Farms PID Water Management Tracts. (COUNTY ATTORNEY)

N. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;
 - 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 Conditional Use, 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. (MONITORING)