

RESOLUTION NO. R-96-545

RESOLUTION APPROVING ZONING PETITION DOA87-103(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MILITARY 6, INC. // .
BY BERIL KRUGER, AGENT
MILITARY 6

'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 DOA87-103(D) was presented to the Board of County Commissioners at a public hearing conducted on March 28, 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 therefore 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 DOA87-103(D) the petition of MILITARY 6, INC., by Beril Kruger, agent, for a Development Order Amendment (DOA) to amend Condition H.2 (billboard location); revise the site plan and add square footage to a previously approved development order 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 March 28, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Palmas Alter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

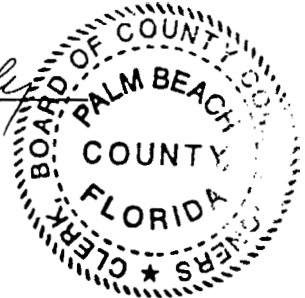


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

The NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 170.29 FEET THEREOF: ALSO LESS THE WEST 60 FEET FOR ROAD RIGHT OF WAY AND LESS THE NORTH 60 FEET FOR LAKE WORTH DRAINAGE DISTRICT CANAL NO. L-29.

87-103D

EXHIBIT B
VICINITY SKETCH

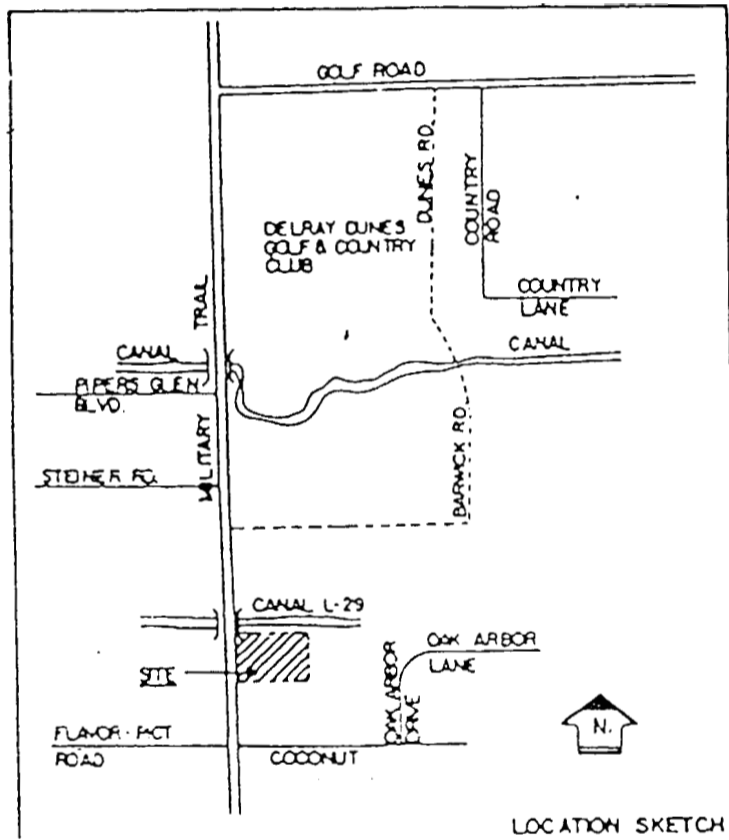


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval (**shown in Bold**) will be carried forward with this petition unless modified as indicated below by overstrike/underline.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as contained in Resolutions R-95-1005 (Petition 87-103(C)), 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 shall be limited to the uses, landscaping and site design shown on the site plan approved by the Board of County Commissioners (Exhibit dated ~~April 28, 1995~~ January 26, 1996). All modifications must be approved by the Board of County Commissioners or Board of Adjustment unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING) (Previously Condition A.2 of Resolution R-95-1005, Pet PDD87-103(C)).**
3. **Previous zoning approvals, and applicable conditions, as granted by Resolutions R-90-522, R-89-743, and R-89-367, are hereby revoked. (ONGOING: MONITORING - Zoning) (Previously Condition # A.1 of Resolution R-95-1005, Pet PDD87-103(C)).**
4. **All abandoned buildings on site shall be removed prior to December 1, 1995. (DATE: MONITORING - Bldg) (Previously Condition A.3 of Resolution R-95-1005, Pet PDD87-103(C)).**
5. **Prior to certification of the site plan by the Development Review Committee, the petitioner shall:**
 - a. **obtain a release or abandonment from Florida Power & Light for the concrete block wall, chain link fence, landscaping and directional signage in the easement along the eastern property line; and**
 - b. **record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. (DRC: CTY ATTY / ZONING) (Previously Condition A.4 of Resolution R-95-1005, Pet PDD87-103(C)).**

B. ANNEXATION

1. **The property owner shall voluntarily annex into the City of Boynton Beach at such time the subject property becomes contiguous to or is the subject of an annexation proposal by the City of Boynton Beach. (ONGOING: PLANNING) (Previously Condition B.1 of Resolution R-95-1005, Pet PDD87-103(C)).**

C. BUILDING AND SITE DESIGN

1. **No bay door openings, ~~except for required emergency exits~~, shall be permitted on the north facade of buildings along the LWDD L-29 Canal. (DRC: BLDG - Zoning) (Previously Condition C.1 of Resolution R-95-1005, Pet PDD87-103(C)).**

2. All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the structures being screened. (BLDG PERMIT: BLDG - Zoning) (Previously Condition C.2 of Resolution R-95-1005, Pet PDD87-103(C)).
3. Parking and storage shall be limited to the areas designated on the site plan only. Parking/Loading spaces shall be provided at each entry point to the limited access storage areas. (ONGOING: CODE ENF) (Previously Condition C.3 of Resolution R-95-1005, Pet PDD87-103(C)).
4. All disassembled or inoperative vehicles, and vehicle parts, shall be stored indoors. (ONGOING: CODE ENF) (Previously Condition C.4 of Resolution R-95-1005, Pet PDD87-103(C)).
5. On site repairs shall be limited to general auto repairs and maintenance only. No paint or body repair shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previously Condition C.5 of Resolution R-95-1005, Pet PDD87-103(C)).
6. When not open, the self service and open storage areas shall be locked and gated. (ONGOING: CODE ENF) (Previously Condition C.6 of Resolution R-95-1005, Pet PDD87-103(C)).
7. There shall be no outdoor display of vehicles, or parts thereof, for sale or rent. There shall be no outdoor repair of vehicles or parts. (ONGOING: CODE ENF - Zoning) (Previously Condition C.7 of Resolution R-95-1005, Pet PDD87-103(C)).
8. No outdoor loudspeaker systems shall be permitted. (ONGOING: CODE ENF - Zoning) (Previously Condition C.8 of Resolution R-95-1005, Pet PDD87-103(C)).

D. HEALTH

1. Prior to the issuance of a Certificate of Occupancy, the petitioner must connect to public water and sewer. (CO: BLDG / HEALTH) (Previously Condition D.1 of Resolution R-95-1005, Pet PDD87-103(C)).
2. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH) (Previously Condition D.2 of Resolution R-95-1005, Pet PDD87-103(C)).
3. The owner, occupant or tenant of the facility shall participate in a recycling program for oil and any other toxic or hazardous materials to insure proper re-use or disposal. (ONGOING: HEALTH) (Previously Condition D.3 of Resolution R-95-1005, Pet PDD87-103(C)).
4. A copy of a "No Further Action Letter" issued by Environmental Resource Management (ERM) confirming the acceptability of the quality of the ground water at this property must be received by the Palm Beach County Public Health Unit prior to the issuance of a building permit. (BLDG PERMIT: HEALTH) (Previously Condition D.4 of Resolution R-95-1005, Pet PDD87-103(C)).

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. (BLDG PERMIT: ENG) (Previously Condition E.1 of Resolution R-95-1005, Pet PDD87-103(C)).
2. The developer shall reconstruct the existing median at the project's south entrance in accordance with the County Engineer's approval. Construction shall be concurrent with paving and drainage permits for the site. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (CO: ENG) (Previously Condition E.2 of Resolution R-95-1005, Pet PDD87-103(C)).
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, Zoning Petition Number 87-103(C D), to be paid at the time of issuance of the Building Permit presently is ~~\$73,645.00~~ \$71,445.00 (~~1,339~~ trips 1,209 trips X \$55.00 per trip). ~~(IMPACT FEE COORDINATOR)~~ (BLDG PERMIT: FAIR SHARE FEE COORDINATOR). (Previously Condition E.3 of Resolution R-95-1005, Pet PDD87-103(C)).
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. 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: BLDG - Eng) (Previously Condition E.4A of Resolution R-95-1005, Pet PDD87-103(C)).
 - 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: BLDG - Eng) (Previously Condition E.4B of Resolution R-95-1005.

- 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: BLDG - Cty Atty) (Previously Condition E.4C of Resolution R-95-1005, Pet PDD87-103(C)).

F. HOURS OF OPERATION

1. Hours of operation for all automotive repair and related services shall be limited to 7 a.m. to 7 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previously Condition F.1 of Resolution R-95-1005, Pet PDD87-103(C)).
2. Hours of operation for the open storage area shall be from 7 a.m. to 10 p.m. daily. (ONGOING: CODE ENF - Zoning)

G. 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. (ONGOING / BLDG PERMIT: BLDG / CODE ENF - Zoning) (Previously Condition G.1 of Resolution R-95-1005, Pet PDD87-103(C)).
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previously Condition G.2 of Resolution R-95-1005, Pet PDD87-103(C)).
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previously Condition G.3 of Resolution R-95-1005, Pet PDD87-103(C)).

H. SIGNS

1. In accordance with the Master Sign Plan submitted by the petitioner, the freestanding point of purchase sign fronting on Military Trail shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point: six (6) feet;
 - b. maximum sign width: fourteen (14) feet; and
 - c. maximum number: one (1). (BLDG PERMIT: BLDG) (Previously Condition H.1 of Resolution R-95-1005, Pet. 87-103(C)).
2. The existing billboard located in the northwest corner of the property shall be removed prior to ~~December 1, 1995~~ ~~June 1, 1996~~, ~~December 1, 1996~~. (DATE: MONITORING - Zoning) (Previously Condition H.2 of Resolution R-95-1005, Pet PDD87-103(C)).

I. 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)