

34/12/12

RESOLUTION NO. R-98- 561

RESOLUTION APPROVING ZONING PETITION Z97-87  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF DAVID PALMER  
BY LAURIE SCHWAB, AGENT  
(PALMER PROPERTY REZONING)

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 notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z97-87 **was** presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; 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 recommendation of the Zoning Commission; and

WHEREAS, ~~the~~ Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, ~~stormwater~~ stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z97-87, the petition of David Palmer, by Laurie Schwab, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 26, 1998 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 23, 1998.

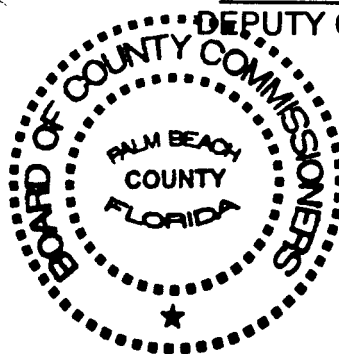
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



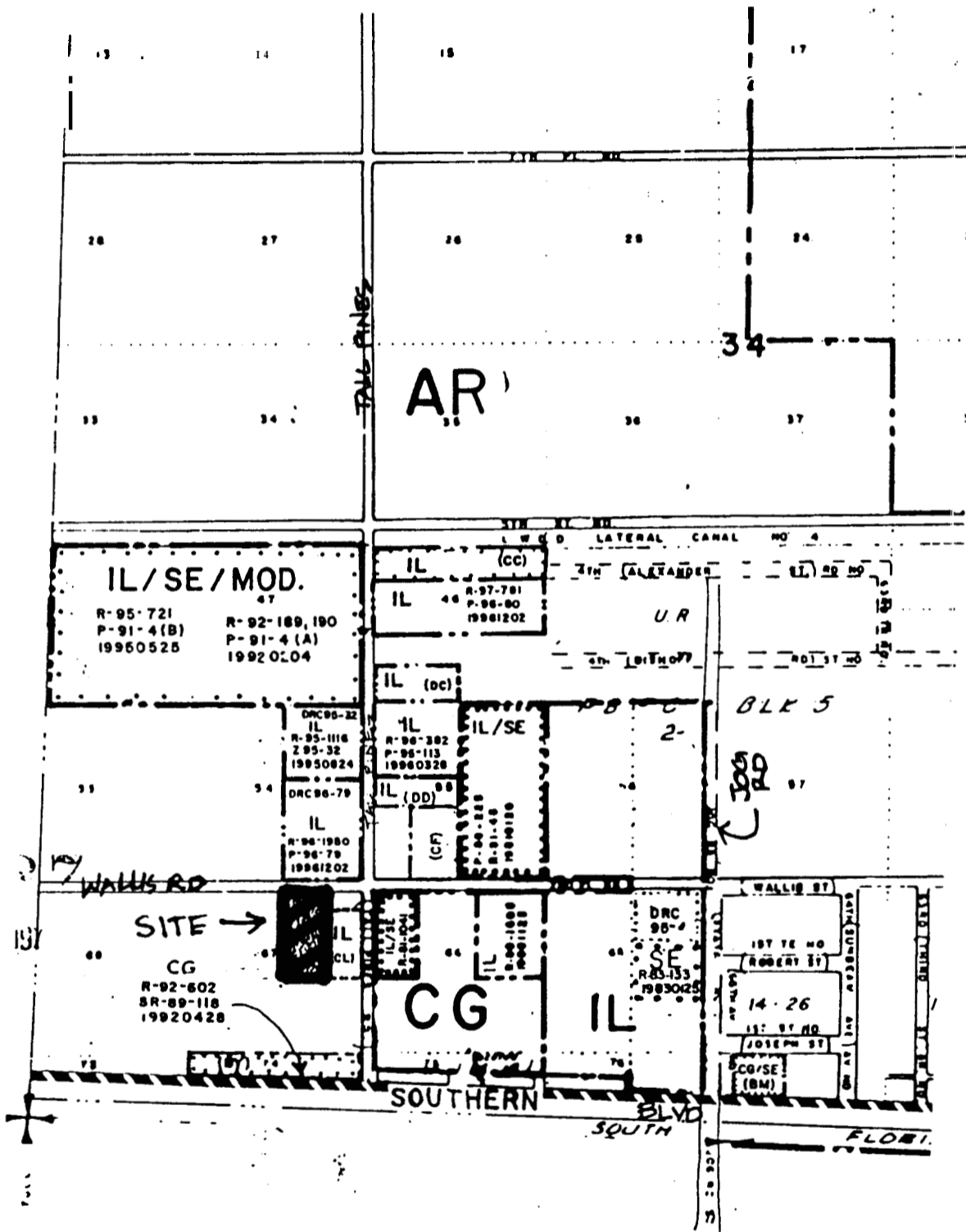
**EXHIBIT A**  
**LEGAL DESCRIPTION**

DESCRIPTION

THE EAST 132 FEET OF THE WEST 528 FEET OF THE NORTH HALF OF TRACT 67, BLOCK 5, PALM BEACH FARMS COMPANY PLAT #3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 97-87

Zoning Quad Page \_\_\_\_\_

Date: 8/20/97



NORTH

## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 18, 1997. 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. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof treatment, **shall be** provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Exterior storage areas shall **be** completely screened from view from all residential property lines. The screening may **be** done by integrating the storage areas into the building architectural design or by appropriate landscaping. (BLDG PERMIT: BLDG - Zoning)
2. **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 principal structure or equivalent landscape material. (CO: BLDG - Zoning)
3. All areas **or receptacles** for the storage and disposal of trash, **garbage, recyclable** material **or** vegetation, such as dumpsters and trash compactors, shall **not be located** within fifty (50) feet **of** the south and west property line. (DRC/ONGOING: ZONING / CODE ENF)
4. **No** barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

#### D. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. **Landscaping** and buffering along the above referenced property lines shall **be** upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip;
  - b. A six (6) foot high opaque fence **or** chain link fence; and,
  - c. **Thirty-six** (36) inch high shrub or hedge material installed exterior to the required fence and spaced no more than twenty four (24) **inches** on center at installation. The shrub or hedge is to **be** maintained at a minimum height of seventy-two (72) inches if an chain link **fence** is used and a minimum height **of** thirty-six (36) inches if an **opaque** fence is used. (CO: LANDSCAPE)
2. The **following** landscaping requirements **shall be** installed **on** the interior side **of** the required wall or fence:
  - a. One (1) canopy tree planted every twenty (20) feet on center. (CO: LANDSCAPE)

**E. ENGINEERING**

1. 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 Wallis Road, 30 feet from centerline along the project's entire frontage, 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. Right-of-way ~~conveyances~~ shall also include "Corner Clips" where appropriate at intersections ~~as~~ determined by ~~the~~ County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
2. The Property owner shall construct Wallis Road from Tall Pines Road west to the **projects** entrance. Construction shall be to collector street standards, minimum 2-12 foot travel lanes, including valley gutter.
  - A) This 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 are not limited to, utility relocations.
  - B) Permits required by Palm Beach County for this construction shall **be** obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

**F. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO R-O-W)**

1. **Landscaping and** buffering along Wallis Road shall **be** upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip clear of the ultimate right-of-way or the base building line as determined by the County Engineer;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. 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; and,
  - d. A fence as required by the PBIA-O Advisory Committee (**Condition H.1**) to **be** located interior to (south of) the landscaping materials;. (CO: LANDSCAPE)

**G. LIGHTING**

1. **All** outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
2. **All** outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
3. **The** lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

## H. PLANNING

1. Landscape buffering along the Wallis Road frontage shall consist of opaque plantings and fencing as permitted per the ULDC. The plantings shall be located on the exterior side of the fence. (CO: LANDSCAPE - Planning)
2. If vegetative shrubbery is used along the west and south property lines in conjunction with a chain link fence, the shrubbery shall attain a minimum height of 6 feet within one year of planting. (CO: LANDSCAPE - Planning)

## I. SIGNS

1. All signage for the property, including freestanding, wall mounted and directional signs, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (6) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - one (1) along Wallis Road frontage; and
  - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

## J. USE LIMITATIONS

1. Business activity shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 9:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday with no business activity on Sunday. (ONGOING: CODE ENF)

## K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied up on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)