

RESOLUTION NO. R-98- 743

RESOLUTION APPROVING ZONING PETITION DOA90-04(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ANDY HERNANDEZ
BY ROBERT BENTZ, AGENT
(HERNANDEZ TRUCK RENTAL)

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 DOA90-04(A) was presented to the Board of County Commissioners at a public hearing conducted on April 23, 1998; 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 DOA90-04(A), the petition of Andy Hernandez, by Robert Bentz, agent, for a Development Order Amendment (DOA) to reconfigure site plan and modify conditions of approval 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 April 23, 1998, subject to the conditions of approval 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 Foster and, upon being put to a vote, the vote was as follows:

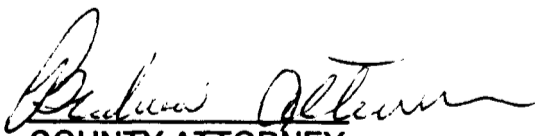
Burt Aaronson, Chair	--	Aye
Maude Ford Lee , Vice Chair		Aye
Ken Foster		Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

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

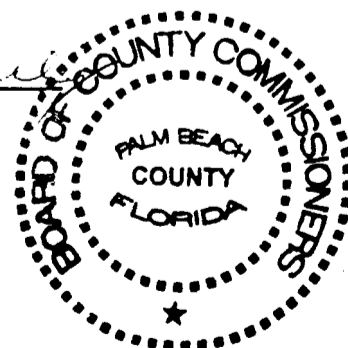


EXHIBIT A

LEGAL DESCRIPTION

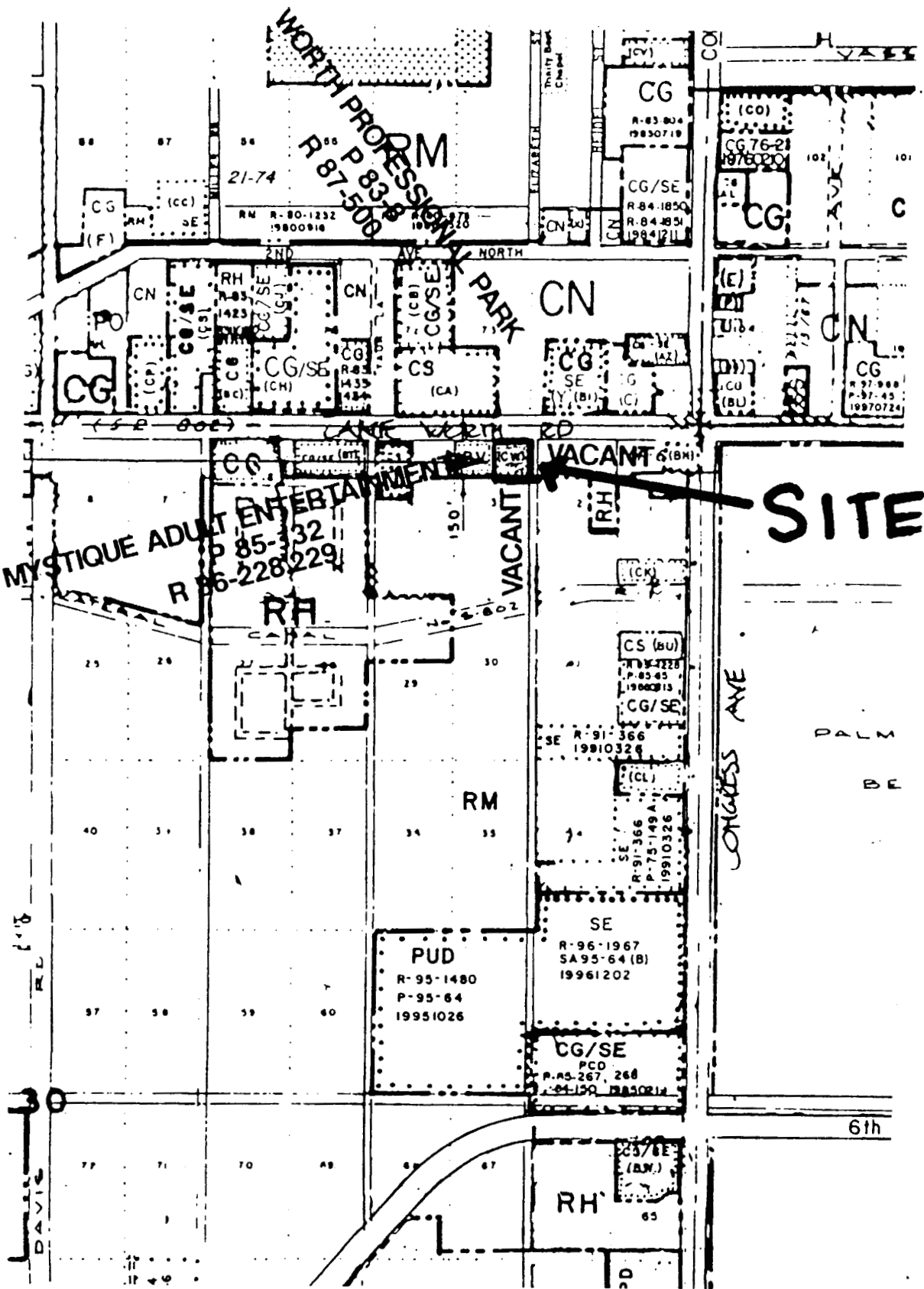
LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF TRACT A, BLOCK 3, ACCORDING TO THE PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO. 7, AS RECORDED IN PLAT BOOK 5, PAGE 72, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID TRACT A, BLOCK 3, A DISTANCE OF 35.00 FEET THEREOF TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH WEST ROAD (SR802) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY, ALONG THE EAST LINE OF SAID TRACT A, BLOCK 3, AND THE EAST LINE OF TRACT B OF SAID BLOCK 3, A DISTANCE OF 150.00 FEET TO A POINT; THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID TRACT A, BLOCK 3, A DISTANCE OF 145.00 FEET TO A POINT; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID TRACTS A & B, BLOCK 3, A DISTANCE OF 150.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD (SR802); THENCE EASTERLY ALONG THE SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 21,750 SQUARE FEET OR 0.4993 ACRES MORE OR LESS.

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



90-04 A

Petition Number: 90-4

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Date: 9-17-97 SEP 17 1997



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-259, R-91-260 (Petition 90-04) and R-96-260.2 (Status Report SR904.4) 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)
2. 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 January 29, 1998. 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)
3. The petitioner shall submit an application to the Development Review Committee (DRC) on or before July 1, 1998 for the certification of the site plan approved by the Board of County Commissioners dated January 29, 1998. There will be no administrative time extensions granted for this condition. (DATE: MONITORING)
4. The site plan shall be approved by the DRC on or before September 1, 1998. No administrative time extension to this condition shall be allowed. (DATE: MONITORING)
5. Prior to February 1, 1999, the petitioner shall have commenced development of the site for all development permitted by this development order. (DATE: MONITORING)
6. Prior to final site plan approval by the DRC, the petitioner may revise the site plan to reconfigure the truck and trailer storage area and the modification shall meet all ULDC requirements. (DRC: ZONING)
7. Condition A. 1 of Resolution R-91-260, Petition 90-4 which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with a minimum property development regulations and land development regulations.

~~Is~~ hereby deleted. [Reason: Code Requirements]
8. Condition A.2 of Resolution R-91-260, Petition 90-4 which currently states:

This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review committee Powers and Standards of Review).

Is hereby deleted. [Reason: New Condition A.2.]

9. Prior to site plan certification, the petitioner shall secure **or** demonstrate the issuance of building permits **for** all structures **located** on site. (DRC: ZONING) (Previous Condition 1.8 of R91-260, Petition 90-4)

B. BUILDING AND SITE DESIGN

1. The maximum height for **all** structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (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. Similar architectural character and treatment shall be provided on all **sides** of the building. (CO: BLDG - Zoning)

C. DUMPSTER

1. **All** garbage receptacles shall be screened from view from the front and side yards by an enclosure made **of** the same material as the principal structure. The open area of the enclosure shall have an obscuring opaque gate. (BLDG. PERMIT: ZONING/BLDG) (Previous Condition 1.7 of R91-260 of Petition 90-4).

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition D.1 of Resolution 91-260, Petition 90-4 **which** currently state::

Secondary containment **for** stored Regulated Substances (**e.g.** Fuels, oils, solvents, **or** other hazardous chemicals) is required. The Department **of** Environmental Resources Management will provide guidance on appropriate protective measures.

is hereby amended to read:

A Limited-Scope Contamination Assessment Report (CAR) addressing the areas of proposed new construction on the site and the impacts of **additional** on-site development shall **be** submitted to ERM **for** review and approval **pr or** to DRC site plan certification. (DRC: ERM)
2. Condition 5e of R96-260.2, SR904.4 which currently states:

All improvements identified in **this** condition which will not be affected by **the** clean-up measures identified **in** the Remedial Action **Plan** approved by **the** Florida Department **of** Environmental Protection **shall be** installed prior to September 1, 1996. A determination of which **areas will** not **be** affected will be made by the Palm Beach County Department **of** Environmental Resources Management. (DATE: MONITORING - DERM/Landscape)

Is hereby deleted.
3. Condition **5e** of R96-260.2, SR90-4.4 **which** currently states:

All improvements identified in this condition which will be affected by the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection shall be installed prior to September 1, 1997, or prior to the issuance of a building permit, whichever shall first occur. A determination of which areas will not be affected will be made by the Palm Beach County Department of Environmental Resources Management. (DATE: MONITORING - DERM/Landscape)

Is hereby deleted.

4. Condition 6b of R96-260.2, SR904.4 which currently states:

That portion of the requirements of this condition which will not be affected the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection will be installed prior to September 1, 1996, A determination of which areas will not be affected will be made by the Palm Beach County Department of Environmental Resources Management. (DATE: MONITORING - ERM/Landscape)

Is hereby deleted.

5. Condition 6c of R96-260.2, SR904.4 which currently states:

That portion of the requirements of this condition which will be affected the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection will be installed prior to September 1, 1997. A determination of which areas will not be affected will be made by the Palm Beach County Department of Environmental Resources Management. (DATE: MONITORING - ERM/Landscape)

Is hereby deleted.

6. No dewatering shall be permitted on the property without prior approval of the Department of Environmental Resources Management. (ONGOING: ERM)

E. ENGINEERING

1. Condition C.E.1 of Resolution R-91-260, Petition 90-4 which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. Reason: Code Requirement.

2. Condition C.E.2 of Resolution R-91-260, Petition 90-4 which currently states:

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.

~~It~~ hereby deleted. [Reason: Delete auto service station use.]
3. On **or** before May 1, 1996, the property owner shall pay a Fair Share Fee in **the** amount and manner required by the "Fair Share Contributor 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 **\$3,080.00 (56 trips x \$55.00 per trip)**. (Previous Condition 2 of Resolution 96-260.2, SR90-4.4)
4. The Developer shall contribute the amount of **\$225.00** as established in **Article V Section 3** (Insignificant Project Standard) of the **Traffic Performance Standards Code**. These total funds of **\$3,080.00** shall be paid on **or** before May 1, **1996**. (DATE: MONITORING - Eng)
(Previous Condition 3 of Resolution 96-260.2, SR90-4.4)
5. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**
 - 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 the adjacent median of Lake Worth Road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. 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: MONITORING - Eng)
6. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing 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 prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established ~~or~~ amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

6. Condition C.E.5 of Resolution R-91-260, Petition 90-4 ~~which~~ currently states:

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of **#255.00** shall be credited toward the increased Fair Share Fee.

~~Is~~ hereby deleted. Reason: Completed.

F. HEALTH

1. Condition E. 1 of Resolution 91-260, Petition 90-4 which currently states:

Prior to site plan certification, the petitioner **shall** submit, an application for a septic tank operating permit to the Health Department.

~~Is~~ hereby amended to read:

Application and engineering plans to upgrade the onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

2. The washing ~~of~~ vehicles shall not ~~be~~ permitted on site. (ONGOING: **CODE ENF**) (Previous Condition **E.3** of Resolution 91-260, Petition **90-4**).

3. When irrigation quality water is available within five-hundred (**500**) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (ONGOING: HEALTH) (Previous Condition F.1 of Resolution 91-260 of Petition **90-4**)

4. An annual operating permit issued by the Palm Beach County Health Department shall be required prior to the issuance of a C. O. (C.O.: HEALTH/BLDG)

G. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) 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; and,
- d. Credit may ~~be~~ given for existing ~~or~~ relocated ~~trees~~ provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to ~~be~~ planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. Trees shall be maintained at a minimum height of fifteen (15) feet according to Arbor Society Standard. (ONGOING: CODE ENF - Landscape)(Previous Condition 1.9 of R91-260, Petition 90-4)
4. Condition 1.10 of Resolution 91-260 of Petition 90-4 which currently states:
- All plant material shall be fully irrigated and maintained in a healthy viable condition.

Is hereby deleted. [Reason: Code Requirement]

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LAKE WORTH ROAD FRONTAGE)

1. Condition 5.c of Resolution 96-260.2 of SR904.4 which currently states:

A five foot (5') wide landscape buffer strip with ten foot (10') tall trees spaced no more than thirty feet (30') on center and thirty-six inch (36") high continuous opaque hedge along the north property line, except between curb cuts. Trees may be planted in clusters not to exceed three trees. The maximum spacing of trees shall not exceed sixty feet (60'). (DRC: ZONING)

Is hereby amended to read:

Landscaping along the north property line shall include:

- a. A minimum five (5) foot wide landscape buffer strip;
- b. One (1) native, canopy tree planted every thirty (30) feet on center;
- c. Twenty four (24) 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. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition 5.a of Resolution 96-260.2 of SR 90-4.4 which currently states:

A ten foot (10') wide landscape buffer strip with an eight foot (8') tall wooden opaque fence and twelve foot (12') tall native canopy trees spaced no more than twenty feet (20') on center and thirty-six inch (36") high continuous opaque hedge along the east and west property lines. (DRC: ZONING)

Is hereby amended to read:

Landscaping along the south property line shall include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. An eight (8) foot high wood (opaque) fence;

- c. **One (1)** native, canopy tree planted every twenty (20) feet on center; 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 maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES

1. Condition 5.b of Resolution 96-260.2 of SR90-4.4 which currently states:

A five foot (5') wide landscape buffer strip with an eight foot (8') tall wooden opaque fence and twelve foot (12') tall native canopy trees spaced no more than thirty feet (30') on center and thirty-six inch (36") high continuous opaque hedge along the east and west property lines. (DRC: ZONING)

Is hereby amended to read:

Landscaping along the east and west property lines shall include:

- a. A minimum five (5) foot wide landscape buffer strip;
- b. **An eight (8) foot high wood (opaque) fence;**
- c. One (1) native, canopy tree planted every thirty (30) feet on center; 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 maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

K. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of **all** structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,
- c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

2. Landscaping along the northwest corner of the building shall include:
(Landscaped area shall be approximately 1000 square feet in size)

- a. One (1) native, canopy tree planted every 400 square feet of landscaped area;
- b. **One (1) palm tree** for every 300 square feet. **A group of three or more palm trees may not supersede the requirement for a canopy tree in that location; and**
- c. One (1) Twenty four (24) inch high shrub per 50 square feet and to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

L. LIGHTING

1. Outdoor lighting used to illuminate the premises and/or advertising shall be low intensity, shielded and directed away from adjacent properties, shining only on the subject site, and shall be extinguished (except security lighting) no later than **11:00** p.m. (ONGOING: CODE ENF - Zoning) (Previous Condition **I. 5** of **R91-260** of Petition **90-4**)

M. OUTSTANDING FINES

1. **Prior** to final DRC certification all outstanding Code Enforcement Fines plus interest **accrued** shall **be** paid to Palm Beach County. No administrative time extensions shall be granted for this condition. (DRC: ZONING - Code Enf)

N. RECYCLE SOLID WASTE

Condition **H.1** of Resolution 91-260 of Petition **90-4** which currently states:

1. The property owner shall participate in a recycling program when available in the area. This program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: CODE ENF)

Is hereby deleted. [Reason: Code Requirement]

O. SIGNAGE

1. All on-site signs shall comply with the Palm Beach County Sign Code, Ordinance **No. 72-33**, and shall indicate principal uses only. **No** stripe signs, banners, balloons, flags **or** other prohibited types of advertising shall be permitted on site. (ONGOING: CODE ENF) (Previous Condition **J.1** of **R91-260**, Petition **90-4**).

2. Condition **J.2** of **R91-260**, Petition **90-4** **which** currently states:

The site shall be limited to one **(1)** free standing sign a maximum of one hundred **(100)** square feet in area and twelve feet **(12')** in height.

~~Is~~ hereby amended to read:

Freestanding point of purchase signs fronting on Lake Worth 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 - 60 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG)

3. Condition **J.3** of **R91-260**, Petition **90-4** which currently states:

No off-premise signs shall **be permitted** on site.

~~Is~~ hereby amended to read:

No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

P. PARKING AND VEHICLE STORAGE

1. Vehicle parking and storage shall be limited to the **parking/storage** spaces designated on the approved site plan. No vehicle **parking or** storage is permitted in landscape areas, rights-of-way, interior **drives**, driveways, **or** between **the** base building line and the paved edge of Lake **Worth** Road. (ONGOING: MONITORING - Zoning)(Previous Condition **K.1** of R-91-260, Petition 90-4)

2. Condition **K.2** of **R91-260**, Petition **90-4** **which** currently states:

Customer and employee parking shall be marked with an above grade sign and physically separated from the truck storage spaces **t**y a landscape island.

Is hereby deleted: [Reason: Modified site plan and Code Requirement]

3. Condition **K.3** of **R91-260**, Petition **90-4** which currently states:

Truck storage spaces shall be designated on the site plan and **clearly** marked on site with an above grade sign.

Is hereby amended to read:

The truck storage area shall be restricted to the south quadrant of the site and the maximum number of trucks to be stored on site shall be limited to fourteen (14). (ONGOING: MONITORING - Zoning)

4. All storage and parking areas shall **be** paved in accordance with **Zoning** Code standards. (CO: BLDG) (Previous Condition **K4** of R-91-260, Petition 90-260)

Q. USE LIMITATIONS

1. Condition 5.d of Resolution 96-260.2, SR90-4.4 which currently states:

Delete oversized vehicle storage space. (DRC: ZONING)

Is hereby deleted. [Reason: Oversized vehicle storage place is completely screened from the adjacent uses.]

2. Condition 2 of Resolution 91-260 of Petition 90-4 which currently states :

Use of the site shall be limited to gasoline sales, truck rental (maximum of six (**6**)trucks on site), **a 750** square foot convenience **store/office**, and **781** square feet of indoor storage area (**1532** total square feet maximum).

Is hereby amended to read:

Use of the site **shall be** limited to 1,400 square feet of **office** use, 520 square feet of **service bay** area and **596.6** square feet of **indoor** storage use, totaling 2,516.6 square feet of building **area**.(DRC: ZONING)

3. Condition 6.a of R96-260.2, SR90-4.4 which currently states:

The outdoor open storage area shall be used for the storage of rental trailers only, shall not exceed 800 square feet in area and shall be enclosed by a six (6) foot tall solid wood fence on all sides. The open end of the fenced enclosure shall have an obscuring opaque gate. Trees within the required rear landscape strip, adjacent to the open storage area, shall be planted ten (10) feet on center.

Is hereby amended to read:

- a. The fenced outdoor open storage area shall be limited to 790 square feet and for storage of rental trailers only. (ONGOING: CODE ENF)
- b. The outdoor storage area shall be enclosed by a six (6) foot tall solid wood fence on all sides. The open end (east side of the outdoor storage area) of the fenced enclosure shall have an obscuring opaque gate. (CO: LANDSCAPE)
- c. The open end at the north side of the fenced enclosure shall have a thirty six-(36) inches wide, opaque gate (for pedestrian access only). (CO: LANDSCAPE)
- d. Twenty four (24) inch high shrub or hedge material shall be installed on the exterior side of the fence, and shall be spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/CODE ENF)
- e. Permanent concrete or metal bollards spaced no more than thirty six (36) inches on center and to be located five (5) feet north of the required fence and on the north side of the outdoor storage area. (CO: LANDSCAPE)

4. Condition I. 6 of R91-260, Petition 90-4 which currently states:

Operating hours shall be from 6:00 a.m. to 11:00 p.m.

Is hereby amended to read:

Business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

5. Outdoor storage or placement of any material, refuse, equipment or detritus shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
6. The southwest quadrant of the site shall be used for truck storage only (as indicated on the approved site plan dated January 29, 1998.) Total number of trucks shall be limited to fourteen (14) only. (ONGOING: CODE ENF)
7. Condition E.2 of Resolution 91-260, Petition 90-4 which currently states:

The service, maintenance or repair of vehicles shall not be permitted on site.

Is hereby amended to read:

No outdoor repair ~~or~~ maintenance of vehicles shall be permitted on the site. Repair activities shall ~~be~~ limited to hand tools and in the service ~~area~~ as designated on the approved site plan dated January 29, 1998. (ONGO NG: CODE ENF- Zoning)

0. Condition B.1 of Resolution R-91-260, Petition 90-4 which currently states:

No advertising flags, foreign flags, pennants, banners, ~~streamers~~, balloons, signs upon any vehicles, prices ~~or~~ vehicle stock number(s), or any information other than that required by law, shall be ~~posted~~ on such vehicles. (ONGOING: CODE ENF - Zoning)

~~Is~~ hereby amended to read:

No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs shall be permitted on site. (ONGOING: CODE ENF - Zoning)

9. **No** objects, gimmicks or advertising designed to attract the public's attention **shall** be displayed outdoors or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code. (ONGOING: CODE ENF - Zoning)(Previous Condition B.2 of Resolution R-91-260, Petition 90-4)

10. **No** vehicle shall be parked with ~~its~~ hood or truck open, nor elevated ~~off~~ the ground in any way. (ONGOING: CODE ENF - Zoning) (Previous Condition B.3 of Resolution R-91-260, Petition 90-4)

11. Condition **1.4** of R91-260 of Petition 90-4 which currently states:

No outdoor loudspeaker system shall be permitted on site.

~~Is~~ hereby amended to read:

Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

12. **No** outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition K.5 of R91-260, Petition 90-4)

13. When this facility is not open, the truck storage area shall be locked ~~and~~ gated. (ONGOING: CODE ENF -Zoning)

R. LAKE WORTH DRAINAGE DISTRICT

1. Prior to issuance of the Building Permit, ~~the~~ petitioner shall obtain a drainage permit from LWDD. (BLDG PERMIT: MONITORING - LWDD)

S. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied ~~upon~~ *the* oral and written representations of the petitioner both on the record ~~and~~ **as** part of the application process. Deviations from or violation of ~~those~~ 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. Conditions L.1 a, L.1b and L.1c of R91-260, Petition 90-4 which currently state:

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, 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; 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 Special Exception and any **ZONING** which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency **or** exemptions therefrom; **and/or**
- 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment **or** as otherwise provided **in** the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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.

Is hereby amended to read:

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 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.

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 ULDS, 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)**



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98 JUL -8 AM 11:51

STEPHEN H. WILKIN, CLERK
COUNTY OF PALM BEACH, FLORIDA
FINANCE

Department of Planning,
Zoning & Building
100 Australian Avenue
West Palm Beach, FL 37406
(561) 233-5000
<http://www.co.palm-beach.fl.us>

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: June 30, 1998
RE: Amended Conditions from the May 28, 1998 BCC

■
**Palm Beach County
Board of County
Commissioners**

- Burt Aaronson, Chairman
- Maude Ford Lee, Vice Chair
- Karen T Marcus
- Carol A Roberts
- Warren H Newell
- Mary McCarty
- Ken L Foster

County Administrator
Robert Weisman PE

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioner: on May 28, 1998.

The following petitions were amended:

- | | |
|--------------|------------------------------|
| PDD96-115(A) | L&G ACLF |
| PDD97-118 | ADDISON PLACE |
| DOA80-187(F) | TRINITY CHURCH |
| PDD97-116 | BRISTOL POINT PUD |
| PDD97-104(1) | RAINBOW PUD |
| PDD97-104(3) | RAINBOW PUD-SUNSHINE MEADOWS |
| DOA90-04(A) | HERNANDEZ TRUCK RENTAL |
| DOA97-72(A) | THOROUGHbred LAKES ESTATE;; |
| DOA91-47(A) | HAGEN RANCH COMMERCE CENTER |

Please contact me at 233-5234 if you have any questions.

F:\USER\B\MARLOW\WPDATA\WILLA76.98

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Affirmative Action Employer"