

RESOLUTION NO. R-2006- 1529

RESOLUTION APPROVING ZONING APPLICATION DOA2006-497
(CONTROL NUMBER 1994-081)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF U PULL & PAY LLC
BY JURAN CONSULTING, INC, AGENT
(RECYCLING CENTER)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2006-497 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2006; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 Application DOA2006-497, the petition of U Pull & Pay LLC, by Juran Consulting, Inc, agent, for a Development Order Amendment to modify a condition 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 August 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of August, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY


BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

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, Public Records of Palm Beach County, Florida, and more particularly described as follows:

All of said Tract 24, less the North 60 feet thereof and also less the East 110.00 thereof for right-of-way purposes (Benoist Farms Road)

EXHIBIT B
VICINITY SKETCH

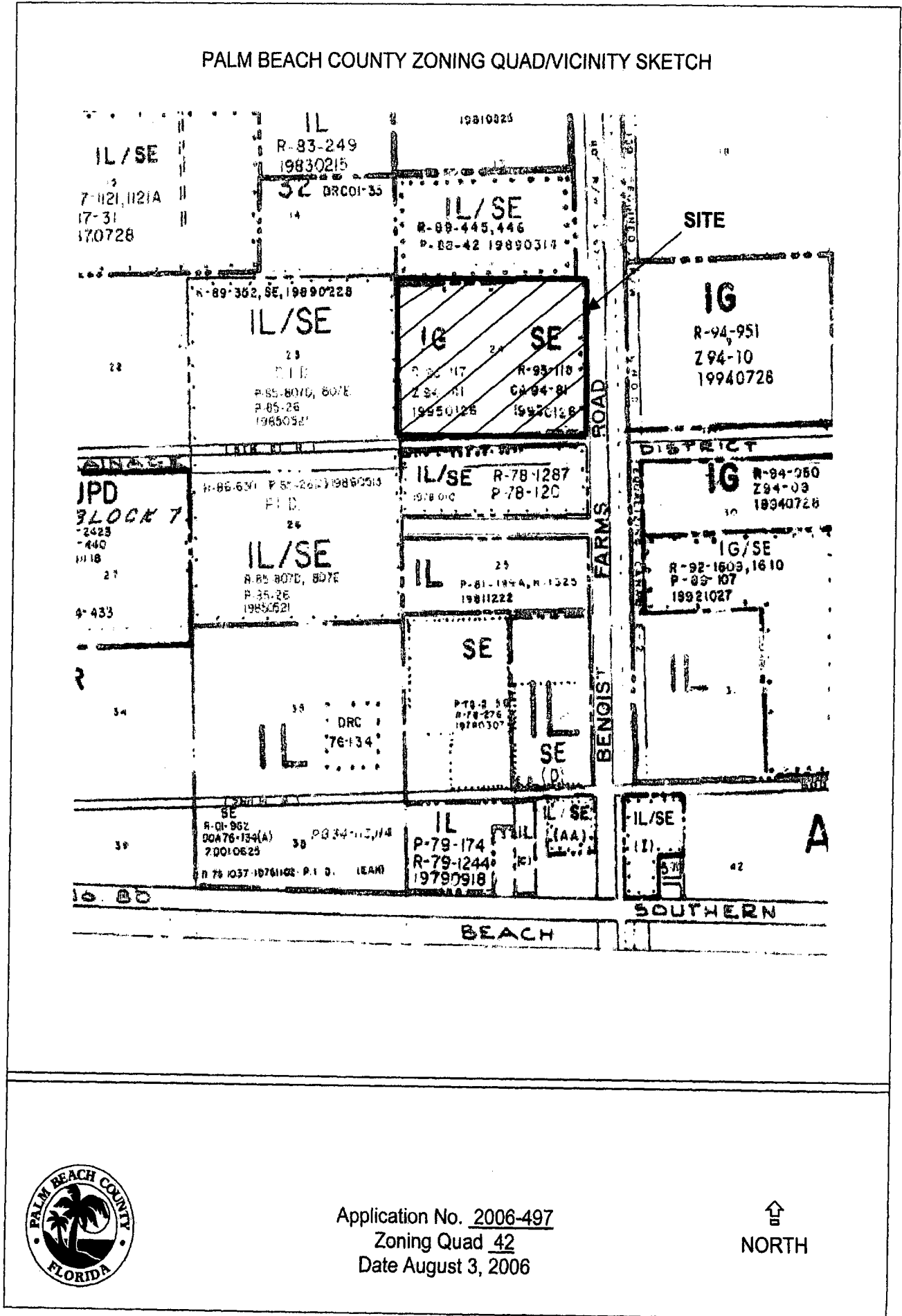


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1995-0117 (Petition 1994-081), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)
2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated June 13, 2006. 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 - Zoning)

ENGINEERING

1. Engineering Condition Number 1 of Petition 1994-081, Resolution R95-0117 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. (ENGINEERING)

Is hereby deleted: [Reason, drainage is now a code requirement]

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 -ENG) (Previous Condition Number 2 of Petition 1994-081, Resolution R95-0117) Note:Complete
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) (Previous Condition Number 3 of Petition 1994-081, Resolution R95-0117) Note: Complete
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. (ONGOING:ENG - Eng) (Previous Condition Number 4 of Petition 1994-081, Resolution R95-0117)
5. Engineering Condition Number 5 of Petition 1994-081, Resolution R95-0117 which currently states:

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).

Is hereby deleted: [Reason, impact fees are a code requirement.]

ENVIRONMENTAL

1. Environmental Condition B.1. of Resolution R-95-0117, Petition CA94-81, which currently states:

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. (ONGOING: ERM - ERM)

Is hereby deleted. [Reason: Covered by current ULDC.]

HEALTH

1. Condition J.1 of Resolution R-1995-0118, Petition No. 1994-081, which currently states:

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. (ONGOING: HEALTH - Health)

Is hereby deleted. [REASON: Completed]

ZONING - LANDSCAPE-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. (Previous Condition F.1 of Resolution R-95-0117, Petition CA1994-081) (CO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-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. (Previous Condition G.1 of Resolution R-95-0117, Petition CA1994-081) (CO: LANDSCAPE-Zoning)

SIGNS

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. (Previous Condition K.1 of Resolution R-95-0117, Petition CA1994-081) (CO: BLDG-Zoning)

SITE DESIGN

1. A maximum of 91 customer parking spaces shall be permitted on-site. (Previous Condition H.1 of Resolution R-95-0117, Petition CA1994-081) (ONGOING: BUILDING-Zoning)
2. Overnight storage or parking of vehicles shall not be permitted in the customer parking area. (Previous Condition H.2 of Resolution R-95-0117, Petition CA1994-081) (ONGOING:CODE ENF - Zoning)
3. The parking area located south of the entrance drive and east of the proposed sales building shall be limited to customer parking only. (Previous Condition H.3 of Resolution R-95-0117, Petition CA1994-081) (ONGOING:CODE ENF - Zoning)

USE LIMITATIONS

1. Condition L.1 of Resolution 1995-0117, Control 1994-081, which currently states:

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 through Saturday. This facility shall not be open on Sundays. (CODE ENFORCEMENT)

Is hereby amended to read:

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 Sunday. (ONGOING:CODE ENFORCEMENT - Zoning)

2. No storage or placement of any material, refuse, equipment or debris shall be permitted except as shown on the approved site plan. (Previous Condition L.2 of Resolution R-95-0117, Petition CA1994-081) (ONGOING:CODE ENF - Zoning)
3. No repair of vehicles shall be permitted on site. (Previous Condition L.3 of Resolution R-95-0117, Petition CA1994-081) (ONGOING:CODE ENF - Zoning)

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 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. Condition N.1 of Resolution R-95-0117, Petition CA1994-081 which currently states:

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)

Is hereby amended to read:

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 Code Enforcement Special Master 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 Article 2.E 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.
(Previous Condition G.2. Resolution R-2003-0101, Petition Z2002-033) (ONGOING:
MONITORING - Zoning)