

RESOLUTION NO. R-90-351

RESOLUTION APPROVING ZONING PETITION NO. 88-53(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF WILLIE H. AND FRANKIE J. DAY

WHEREAS, the Board of County Commissioners, as the governing body, 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 hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 88-53(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 88-53(A), the petition of WILLIE H. AND FRANKIE J. DAY, by Dean P. Turney, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land being the East 386.2 feet of the West 1158.6 feet of Tract 33, Block "F", Loxahatchee Groves, as recorded in Plat Book 12, Page 29 lying in Section 17, Township 43 South, Range 41 East, being located on the south side of Okeechobee Boulevard (SR 704) approximately .2 mile west of Folsom Road, in the AR-Agricultural Residential Zoning District, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Point of Purchase signage shall be limited to one (1) sign, a maximum of fifteen (15) feet in height and sixty-four (64) square feet in area. All signage shall be in conformance with the Palm Beach County Sign Code, permitting no flags, banners, snipe signs, etc.

3. Total building area shall be limited to 9,900 square feet, not including the covered loading and storage areas.
4. All vehicles used for product storage shall only be parked within the covered loading and storage area. These areas shall not be completely enclosed.
5. All loading activities shall take place in the designated loading area.
6. There shall be no access to Bryant Road from this facility.
7. Landscaping along Okeechobee Road shall be upgraded to include fourteen (14) foot high native canopy trees, spaced twenty (20) feet on center, and a thirty-six (36) inch high hedge.
8. Condition No. 3 of Zoning Petition No. 88-53 which presently states:

"3. Use of the site shall be limited to:

- a. Retail sales of citrus and vegetable products, animal feed and grain, and related products used in agricultural areas.
- b. There shall be no retail sales of prepared foods, nor shall food be prepared on the site."

Is hereby amended to read as follows:

"The site shall be limited to the following uses and activities:

- a. Agriculturally related sales and services such as feed and grain, farm and garden equipment and tools, fresh fruit and vegetables, fertilizer and seed, plants and other nursery products, garden and nursery supplies; and,
  - b. There shall be no repair of mechanical equipment on site, nor any sale of large scale farm implements,
  - c. There shall be no food sold for consumption on premises, and no food shall be prepared on site."
9. Condition No. 12 of Zoning Petition No. 88-53 which presently states:

"12. No tractor-trailers or semi-trucks shall be permitted to deliver goods to this site."

Is hereby amended to read as follows:

Deliveries from tractor-trailers or semi-trucks shall be allowed only during the hours between 7:00 a.m. to 4:00 p.m., Monday through Saturday.

10. Condition No. 13 of Zoning Petition No. 88-53 which presently states:

"13. No delivery vehicles shall be permitted to be parked on site. No sales of products shall be permitted from parked vehicles."

Is hereby amended to read as follows:

"Delivery vehicles and trailers may only be parked on site within the 30' x 125' covered areas shown on the site plan for the storage and sale of hay, nursery plants, feed, fertilizer and wood shavings."

11. The structures existing on the five (5) acre parcel to the south of this property shall not be used for equipment repair or storage of items related to the Red Barn business unless Petition No. 88-53(A) is modified to include that area.

12. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

