

RESOLUTION NO. R-2001- 0819

RESOLUTION APPROVING ZONING PETITION CA2000-090
CLASS A CONDITIONAL USE
PETITION OF KAREN PADYJASEK
BY KIERAN KILDAY, AGENT
(SKY DIVE AMERICA)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA2000-090 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2001; 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA2000-090, the petition of Karen Padyjasek, by Kieran Kilday, agent, for a Class A Conditional Use (CA) to allow a motion picture production studio, an outdoor entertainment use, a boarding and rooming house and a campground in the Residential High (RH) Zoning District, on a parcel of land legally described in EXHIBITA, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 24, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 24, 2001.

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

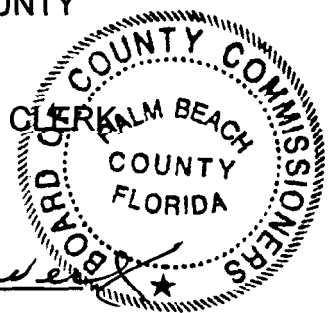


EXHIBIT A

LEGAL DESCRIPTION

LOTS 21, 22, 25, 26, 29, 30, 32 THRU 37 INCLUSIVE, LOTS 55 THRU 73 INCLUSIVE TOGETHER WITH SW 17th STREET 50 FOOT RIGHT OF WAY AND A PORTION OF BELL AVENUE 50 FOOT RIGHT OF WAY, VICTOR L. GEIGER'S SECOND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 71, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 40.00 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PLAT; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID PLAT, 420.93 FEET TO A LINE BEING 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID PLAT, SAID LINE ALSO BEING THE EASTERLY LINE OF THE 40.00 FOOT RIGHT OF WAY FOR THE LAKE OKEECHOBEE LEVEE, HOOVER DIKE, AS RECORDED IN OFFICIAL RECORD BOOK 840, PAGE 834, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 03°28'15" EAST ALONG SAID PARALLEL LINE AND SAID EASTERLY RIGHT OF WAY LINE, 868.44 FEET TO THE NORTH LINE OF SAID LOT 55; THENCE SOUTH 90°00'00" EAST ALONG SAID NORTH LINE, 84.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 55, SAME BEING THE WESTERLY RIGHT OF WAY LINE OF SAID BELL AVENUE; THENCE SOUTH 03°28'15" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 260.02 FEET TO A LINE BEING 10.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 60; THENCE SOUTH 90°00'00" EAST ALONG SAID PARALLEL LINE, 50.09 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID BELL AVENUE, SAME BEING A LINE 10.00 FOOT SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 21; THENCE NORTH 03°28'15" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 10.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE SOUTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOT 21, 100.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE SOUTH 03°28'15" WEST ALONG THE EASTERLY LINE OF SAID LOTS 21, 22, 25, 26, 29 AND 30, A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 30; THENCE SOUTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID LOT 32, A DISTANCE OF 140.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 32, SAME BEING THE EAST LINE OF SAID PLAT AND THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD (AIRPORT ROAD) AS RECORDED IN PLAT BOOK 23, PAGE 39, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 04°43'15" EAST ALONG SAID EASTERLY LINE AND SAID WESTERLY LINE, 318.94 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 4.996 ACRES (217,627 SQUARE FEET) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

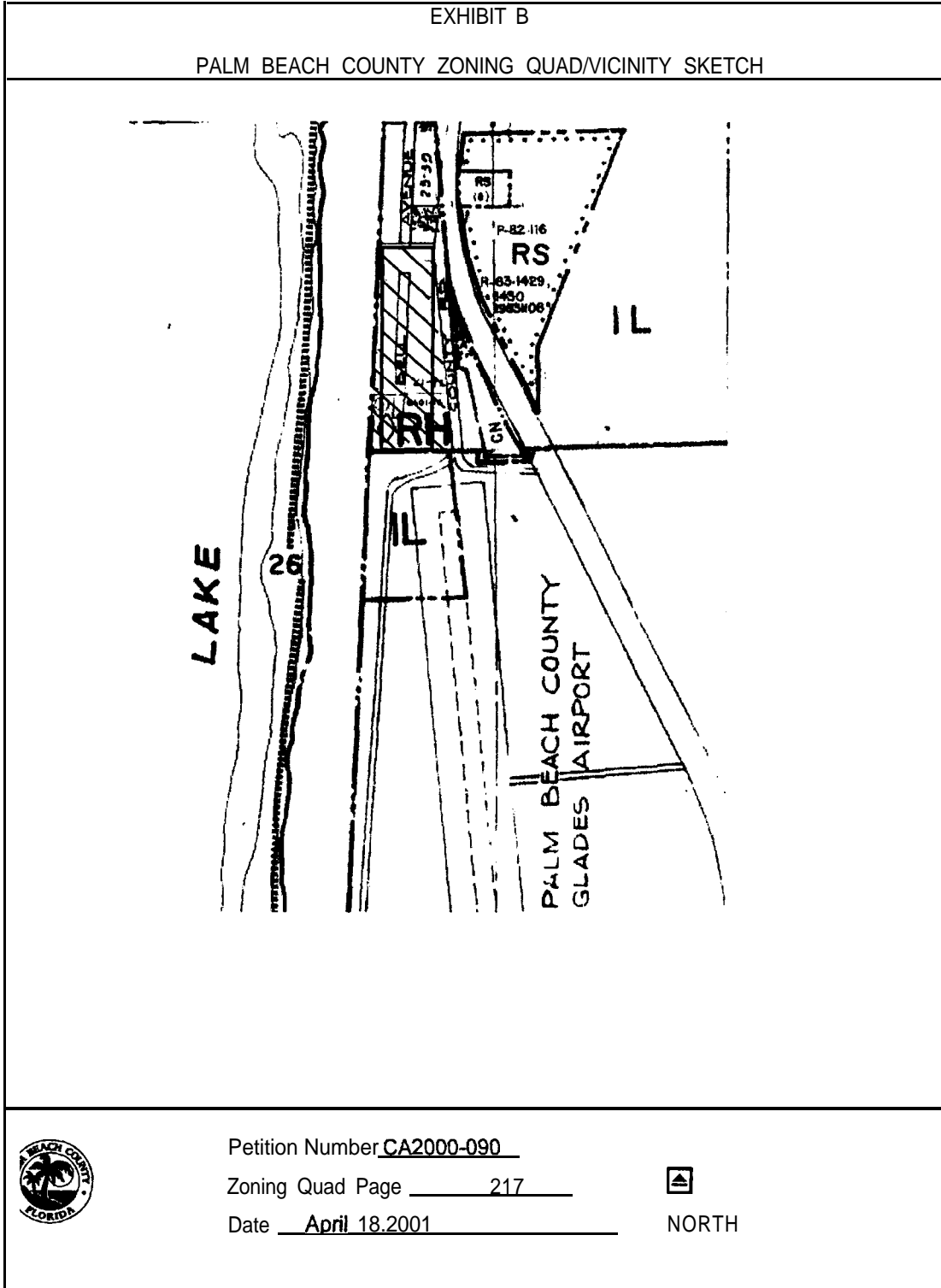


EXHIBIT C

CONDITIONS OF APPROVAL

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 March 27, 2001. 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)
2. Prior to final DRC certification of the site plan, the petitioner shall obtain building permit for the motion picture production studio, club house and the deck. (DRC/BLDG PERMIT:ZONING)

B. HEALTH

1. Application and engineering plans to construct the centralized onsite sewage disposal system (OSTDS) in accordance with Rule 64E-6FAC and Palm Beach County ECR-1 must be approved by the Palm Beach County Health Department prior to final DRC approval. (DRC: HEALTH)

C. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ADJACENT TO AIRPORT ROAD/RESIDENTIAL)

1. Landscaping and buffering along the north and east property lines shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. This buffer shall be increased to twenty-five (25) feet along the central portion of the east property line (measuring a minimum of three hundred (300) feet in length) and the east one hundred (100) feet of the north property line and as per site plan dated March 27, 2001;
 - b. one (1) native canopy tree planted every thirty (30) feet on center;
 - c. one (1) Booteed Sabal palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, 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,
 - e. credit may be given for existing or relocated trees/palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE SOUTH PROPERTY LINES (ADJACENT TO PAHOKEE AIRPORT)

1. Prior to final site plan certification, the petitioner shall provide documentation to the Zoning Division that an off-site contribution for the portion of the landscaping as required by the Board of Adjustment Condition 4 (B of A 2001016). A cost estimate for the required plant materials shall be calculated by a registered landscape architect and a written receipt demonstrated that the contribution has been paid to the County for the purpose of implementing the Glades Thoroughfare Beautification Master Plan. In the event the contribution has not been made, the petitioner is required to submit an Alternative Landscape Plan to indicate the relocation of the required plant materials

elsewhere on the site prior to final certification of the site plan. (DRC/CO: LANDSCAPE-Zoning/Planning)

2. The petitioner is required to either:
 - a). install the required perimeter landscaping for the south property line (except for the area subject to B of A 2001016, Condition 4) prior to the issuance of the first Certificate of Occupancy. The landscaping shall meet the minimum ULDC requirements; or
 - b). submit an Alternative Landscape Plan for the south property line (except for the area subject to B of A 2001016, Condition 4) , prior to final certification of the site plan, indicating the transfer of the required plant materials elsewhere on the site. (DRC/CO: LANDSCAPE-Zoning/Planning)

E. ENGINEERING

1. Prior to November 1, 2001, all internal rights of way which encroach within any existing or proposed structures shall be abandon through the Palm Beach County abandonment process. If any of the rights of way are unable to be abandon then the site plan shall be amended as required. (DATE: MONITORING-Eng)

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (ADJACENT TO LAKE OKEECHOBEE LEVEE)

1. The petitioner is required to either:
 - a). install the required perimeter landscaping for the west property lines prior to the issuance of the first Certificate of Occupancy. The landscaping shall meet the minimum ULDC requirements; or,
 - b). submit an Alternative Landscape Plan, prior to final certification of the site plan, indicating the transfer of the required plant materials elsewhere on the site. (DRC/CO: LANDSCAPE-Zoning/Planning)

G. USE LIMITATION

1. Use of the site shall be limited to a maximum gross floor area of 11,505 square feet and the following:
 - a. 4,548 square feet of rooming and boarding houses;
 - b. 523 square feet of bathrooms;
 - c. 3,746 square feet of motion picture studio
 - d. 1,812 square feet of hanger and rigging area;
 - e. 300 square feet of retail; and,
 - f. 576 square feet of club house. (DRC: ZONING)
2. Prior to final DRC certification of the site plan, the location of the campsites shall be revised to meet setback requirements of the ULDC, as amended. (DRC/ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
4. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

H. 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. 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 the Code Enforcement Division 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)