

RESOLUTION NO. R-2002-1961

RESOLUTION APPROVING ZONING PETITION Z/COZ2002-021
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF JERRY LOPEZ
BY JERRY LOPEZ, AGENT
(KINGS WRECKER SERVICE)

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

WHEREAS, Zoning Petition Z/COZ2002-021 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; 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) with approved conditions 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) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; 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 Z/COZ2002-021, the petition of Jerry Lopez by Jerry Lopez, agent, for an Official Zoning Map Amendment rezoning from the Agricultural Residential Zoning District to the Light Industrial Zoning District with a Conditional Overlay Zone 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 October 24, 2002, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Greene 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	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

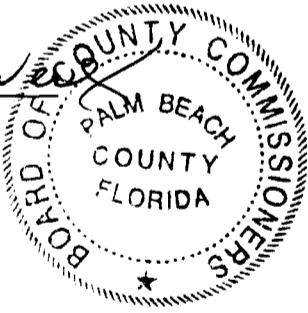


EXHIBIT A

LEGAL DESCRIPTION

THE WEST 200 FEET OF TRACT 68, BLOCK 5, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY, PLAT NO.3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO THE FOLLOWING DESCRIBED EASMENT:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY THENCE S01 DEGREES 57"W, A DISTANCE OF 78.57 FEET TO THE EXISTING RIGHT OF WAY LINE S.R.80 (SOUTHERN BLVD) AS SHOWN ON STATE ROAD PLAT MAP # 1197 P134B; THENCE N88 DEGREES 29'03"W. ALONG SAID RIGHT A WAY LINE A DISTANCE OF 41.60 FEET TO A POINT; THENCE N01 DEGREES 30' 57"E, A DISTANCE OF 76.67 FEET TO A POINT ON THE SOUTH LINE OF ABOVE DESCRIBED PROPERTY; THENCE N89 DEGREES 29, 03"E, A DISTANCE OF 41.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,228 SQUARE FEET OR 0.0741 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

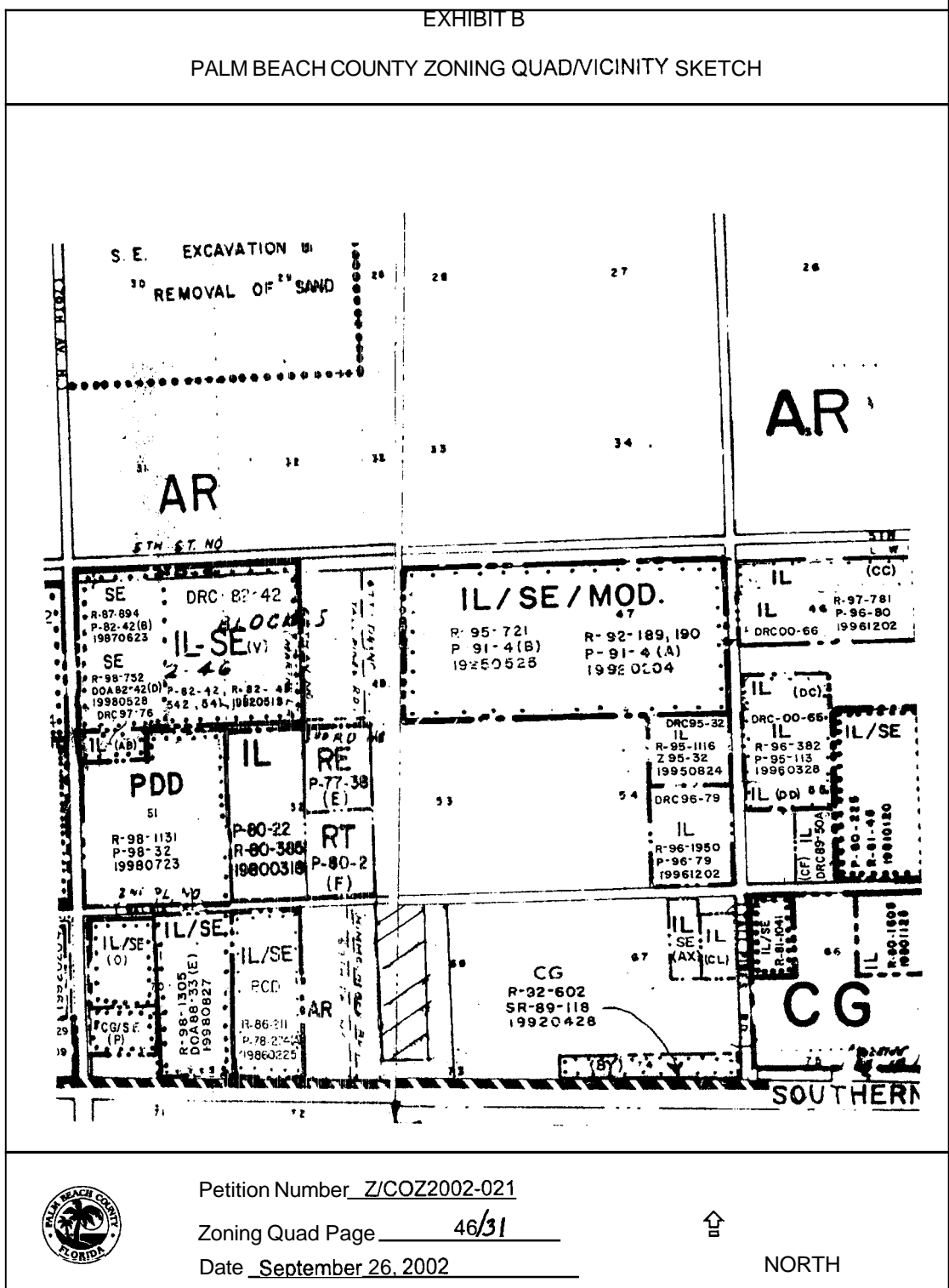


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING – STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet 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. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. This condition does not apply to five (5) foot wide compatibility buffers. (CO: LANDSCAPE – Zoning)
4. All trees and palms in right-of-way buffers shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE – Zoning)

B. ERM

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)

C. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF WALLIS ROAD)

1. Landscaping and buffering along the north property line abutting Wallis Road shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade;
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches, to be planted on the plateau of the berm and maintained at a minimum overall height of six (6) feet (berm and shrub). (CO: LANDSCAPE – Zoning)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE (FRONTAGE OF SOUTHERN BOULEVARD)

1. Landscaping and buffering along the south property line abutting Southern Boulevard shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each two (2) linear feet of property line, to be installed at a minimum height of thirty (30) inches, to be planted on the plateau of the berm and maintained at a minimum overall height of six (6) feet (berm and shrub). (CO: LANDSCAPE – Zoning)
2. Installation of the required berm and landscaping shall be completed within ninety (90) days of the completion of the Southern Boulevard (State Road 80) road widening or development of the southern portion of the property, whichever shall come first. (MONITORING: LANDSCAPING – Zoning)

E. ENGINEERING

1. 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 prior to April 1, 2003. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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. (DATE: MONITORING – Eng)

2. No Building Permits for the site may be issued until the site obtains legal positive outfall or meets exemptions for legal positive outfall as provided for in the Unified Land Development Code. (BLDG PRMT: MONITORING – Eng)
3. Until the contract is awarded for the construction of SR80 from Florida's Turnpike to west of Haverhill Road to an 8-lane divided cross section, property shall be restricted to use as an overflow lot for towed vehicles that are otherwise stored at property owners lot at Westport Industrial Park. The site plan shall clearly delineate only 1 acre of property available for storage of towed vehicles. (ONGOING: CODE ENF - Eng)

F. SIGNAGE

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: six (6) feet;
 - b. Maximum sign face area per side: thirty (30) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: Wallis Road frontage; and
 - e. Style: monument style only. (CO: BLDG – Zoning)

G. 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 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 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. (ONGOING: MONITORING – Zoning)