

RESOLUTION NO. R-94- 214

RESOLUTION APPROVING ZONING PETITION DOA89-114(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF **CMV** PARTNERS

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

WHEREAS, Zoning Petition **DOA89-114(A)** was presented to the Board of County Commissioners at a public hearing conducted on February 24, 1994; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach county 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 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 **DOA89-114(A)** the petition of CMV Partners for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to amend Condition No. 5 (use limitation) of Resolution R-90-1290, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on February 24, 1994, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of February, 1994.

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

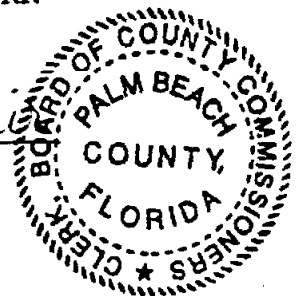


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

A parcel of land located in Section 36, Township 43 South, Range 42 East, and more particularly described as follows:

The West 215 **feet** of the North Quarter of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of **Section 36**, Palm Beach County Records.

And a parcel of land located in Section 36, Township 43 South, Range 42 East, and more **particularly** described as follows:

The East 400 feet of that part of the North Quarter of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter, lying West of the right-of-way of Military Trail (**less** the **East 250 feet** of the South 136 feet) and less the East 60 **feet** of the North Quarter of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter for road right-of-way). Subject to **rights** in favor of the Lake Worth Drainage **District** over the Northerly 50 feet of said parcels. (per **O.R.** Book 2788 Page 1326, Palm Beach County Records,

Less the North 55 feet of said **parcels** as claimed by Lake Worth Drainage District by Chancery Case No. 407.

Together **with:**

Commencing at the intersection of the North line of the South half of the North half of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 36, Township 43 South, Range 42 East, Palm Beach County, Florida with the Westerly **right** of way line of Military Trail (SR 809); thence N. 89 degrees **59'17"** W. along the said North line of the South half of the North half of the Northeast quarter, of the Northeast quarter of the Southwest quarter a distance of 288.00 feet to the Point of Beginning; thence South 0 degrees **10'22"** West, parallel with the West **right-of-way** of Military Trail, a distance of 152.00 **feet**; thence South 89 **degrees 59'17"** East, a distance of 267.00 **feet**; thence N. 45 degrees **05'57"** E. a distance of 29.74 feet to the aforesaid **Westerly** right of way line of Military **Trail**; thence South 0 **10'22"** West, a distance of 100.45 feet; thence N. **89 degrees 05'11"** W. a **distance of** 616.74 feet to a point of intersection with the west **line** of the aforesaid Northeast Quarter of the Northeast Quarter of the Southwest Quarter! Thence N. 00 degrees **08'18"** E. along said West line a distance of 221.75 feet; thence S. 89 degrees **59'17"** E. a distance of 328.82 feet to the Point of Beginning.

Above description contains 3.15 Acres, more or less.

EXHIBIT B
VICINITY SKETCH

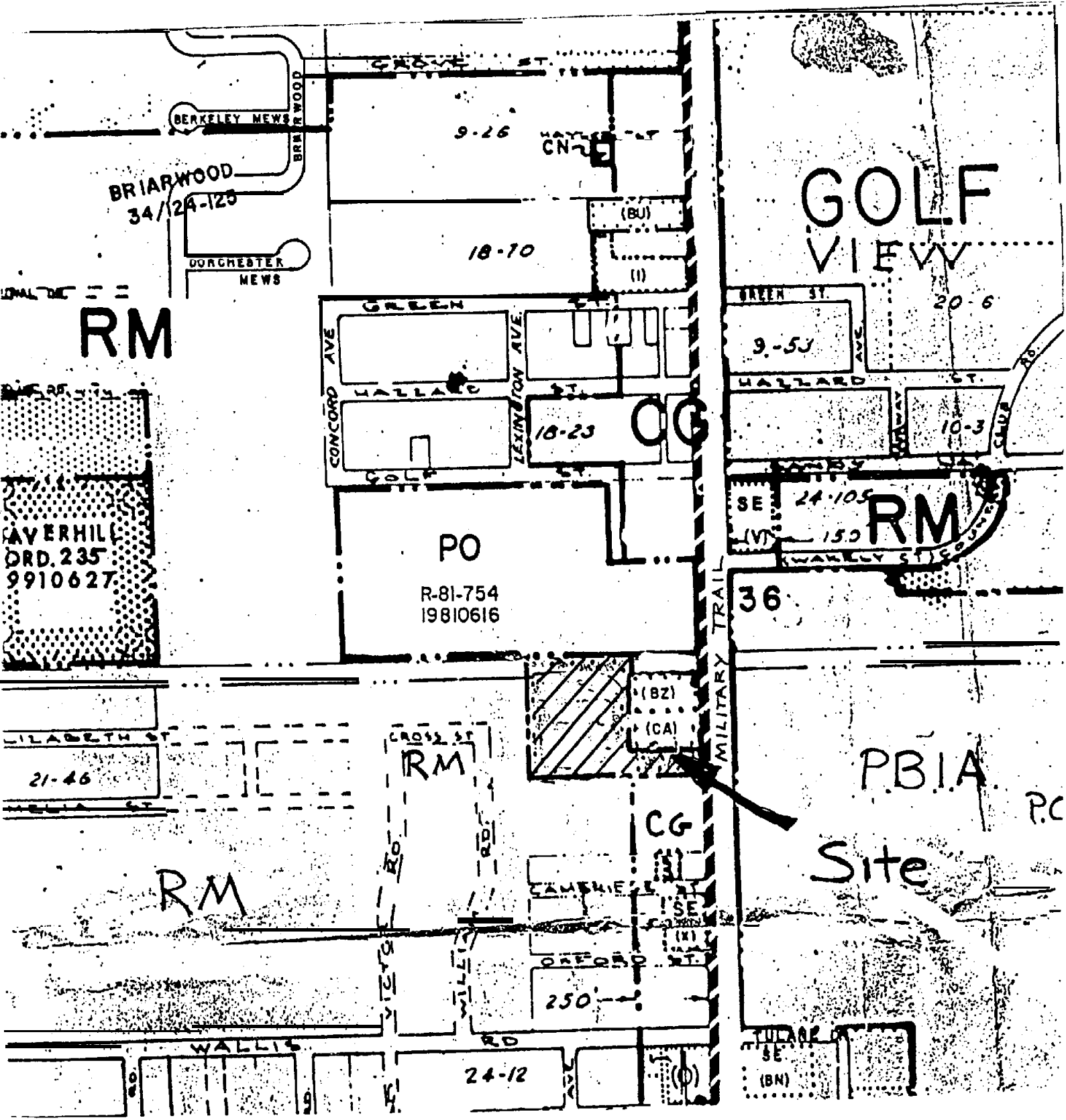


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition 1., of Petition 89-114, Resolution R-90-1290, which states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for compliance with time certain conditions, unless expressly modified. (MONITORING)

B. LANDSCAPING

1. To ensure that the site meets the minimum landscape requirements as approved, prior to DRC certification of a final site plan the petitioner shall demonstrate that the existing landscaping is in compliance with all applicable codes and conditions as approved by the BCC on January 25, 1990. All landscape deficiencies shall be corrected on site prior to DRC certification of the final site plan. (ZONING/ BUILDING-Code Enforcement)
2. Prior to Site Plan Review Committee approval, the petitioner shall:
 - A. Provide a minimum ten (10) foot wide landscape strip adjacent to Building R, or shall present written authority from the Lake Worth Drainage District permitting minimum Landscape Code Requirements to be met within their easement.
 - B. Provide documentation which clarifies ownership of the northern 54.78 feet of the property. If said property is found to belong to the Lake Worth Drainage District, the Site Plan shall be revised to comply with all Zoning Code Requirements. Previously Condition 2 of Resolution 90-1290 Zoning Petition 89-114.
3. Native vegetation within perimeter landscape strips and setback areas shall be preserved. Previously Condition 4 of Resolution 90-1290 Zoning Petition 89-114.

C. LANDSCAPE WITHIN MEDIAN

1. Prior to June 1, 1994, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Military Trail right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees :

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (MONITORING - ENGINEERING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or concurrent with the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)
3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to July 1, 1994, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (MONITORING - ENGINEERING - County Attorney)

D. HEALTH

1. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification. Previously Condition 7 of Resolution 90-1290 Zoning Petition 89-114.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition 8 of Resolution 90-1290 Zoning Petition 89-114.
3. Prior to March 31, 1994, the petitioner shall construct an effective barrier (acceptable to the Palm Beach county Public Health Unit) around the septic tank drainfield, to prevent vehicle traffic or parking. (MONITORING-Health)

E. ENGINEERING

1. 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 subject site abuts a Department of **Transportation** maintained roadway, concurrent approval from the Florida Department of **Transportation** will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. 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. Previously Condition 9 of Resolution 90-1290 Zoning Petition 89-114.

2. 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 this project presently is **\$3,080.00** (56 trips X \$55.00 per trip). Previously Condition 10 of Resolution 90-1290 Zoning Petition 89-114.
3. In addition the Developer shall contribute the amount of **\$150.00** as established in **Article V Section 3 (Insignificant Project Standard)** of the **Traffic Performance Standards Code**. These total funds of \$150.00 shall be paid prior to the issuance of the first Building Permit. Previously Condition 11 of Resolution 90-1290 Zoning Petition 89-114.
4. If the **"Fair Share Contribution for Road Improvements Ordinance"** is amended to increase the Fair Share Fee, this additional amount of **\$150.00** shall be credited toward the increased Fair Share Fee. Previously Condition 12 of Resolution 90-1290 Zoning Petition 89-114.
5. 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 this project at the time of the Building Permit presently is **\$1650.00** (30 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LIGHTING

1. Security lighting along the western property line shall be low intensity a maximum of **fifteen (15) feet tall** and **directed away from nearby residential properties**. Previously Condition 3 of Resolution 90-1290 Zoning Petition 89-114.

G. UNITY OF TITLE

1. **Two copies of an executed Unity of Title shall be submitted with the Site Plan Review Committee application. This document shall be in a form acceptable to the County Attorney prior to Site Plan Review Committee approval.** Previously Condition 6 of Resolution 90-1290 Zoning Petition 89-114.

H. USE LIMITATION

1. Previously Condition 5 of Resolution 90-1290 Zoning Petition 89-114 which stated:

Use of the site shall be in compliance with Section 500.38 of the Zoning Code. Only **dead** storage shall be permitted on site.

Is hereby amended to state:

Use of the site shall be in compliance with all standards and regulations of Article 6, Section 6.8 of the ULDC. Only self service storage and vehicle rental uses shall be permitted on site. (CODE ENFORCEMENT/ZONING)

I. VEHICLE RENTAL

1. Vehicle rental shall be limited to the display and rental of two (2) vehicles or trailers maximum at any time and customary accessory uses. No vehicle **sales** shall be permitted on site. (CODE ENFORCEMENT-Zoning)

2. To ensure the petitioner complies with the display and rental use limitation, and retains the ability to accept rental returns, all rental vehicles, with the exception of the two display vehicles permitted on site, shall be removed from site within twenty four hours. (CODE ENFORCEMENT)
3. To ensure rental vehicles are not stored or displayed within customer parking spaces, all rental vehicles shall be stored within approved display or storage spaces indicated on the approved site plan. (CODE ENFORCEMENT)

J. COMPLIANCE

1. 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. Previously Condition 13 of Resolution 90-1290 Zoning Petition **89-114**.