

RESOLUTION NO. R-95- 281

RESOLUTION APPROVING ZONING PETITION CA94-91  
CLASS A CONDITIONAL USE  
PETITION OF ROBERT & BRUCE ORESKY

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-91 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 1995; 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 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 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 CA94-91, the petition of Robert & Bruce Oresky, by: Robert Bentz, AGENT for a **CLASS A CONDITIONAL USE** allowing a vehicle sales and rental facility in the General Commercial (CG) Zoning District 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 1995, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of February, 1995.'

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

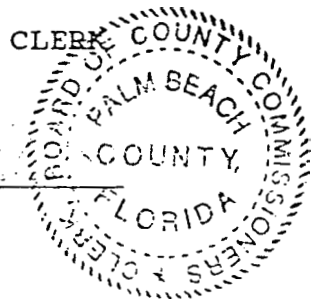


EXHIBIT A  
LEGAL DESCRIPTION

LOTS 28, 29 AND 30, HARTLEY PARK,  
ACCORDING TO THE PLAT THEREOF ON  
FILE IN THE OFFICE OF THE CLERK OF  
THE CIRCUIT COURT IN AND FOR PALM  
BEACH COUNTY, FLORIDA, RECORDED IN  
PLAT BOOK 24, PAGE 59, LESS THEREFROM  
THAT PORTION SET FORTH IN ORDER IN  
OFFICIAL RECORD BOOK 821, PAGE 674.

EXHIBIT B  
VICINITY SKETCH

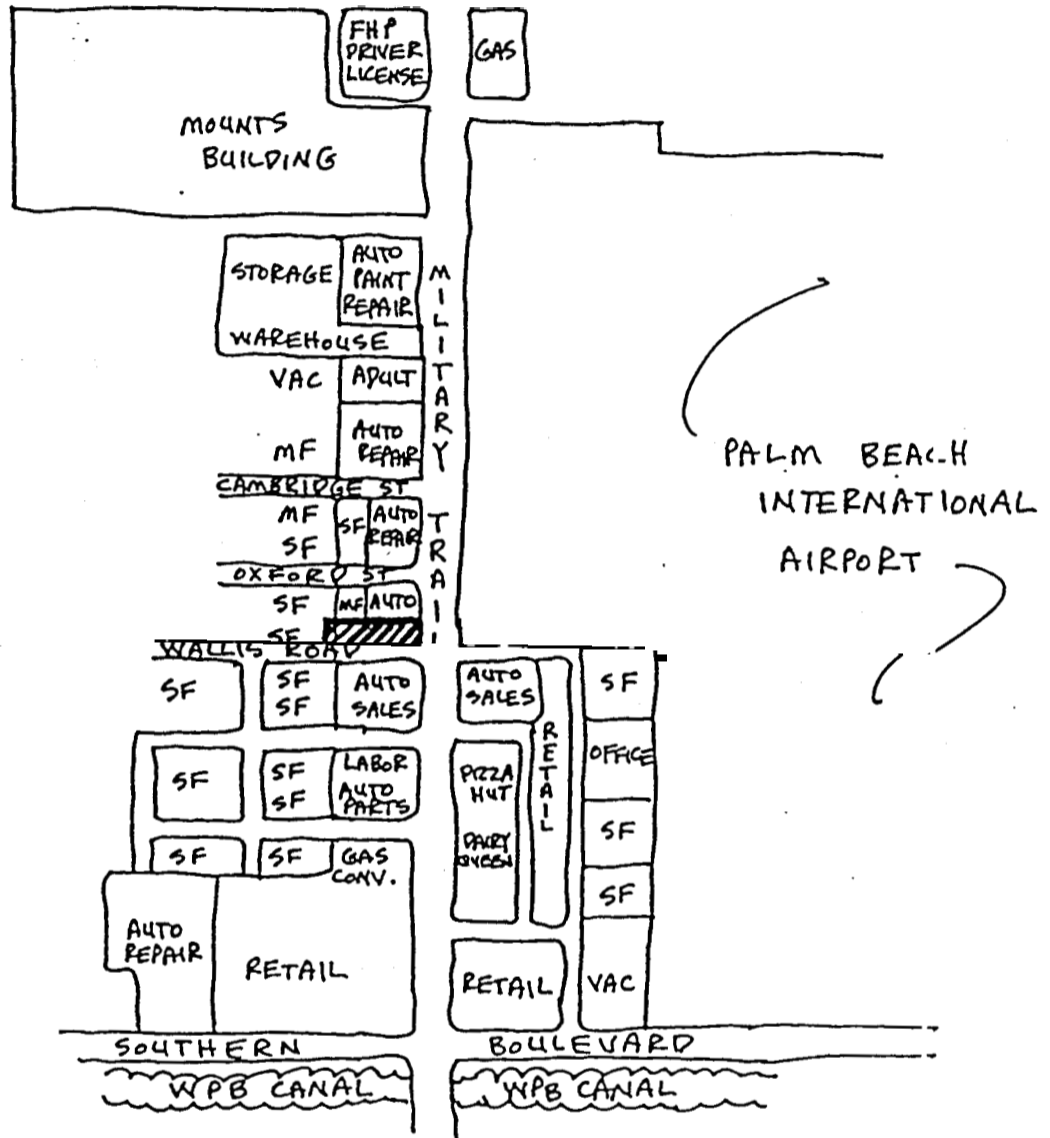


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. No parking of vehicles to be allowed in landscaped areas, right of ways or interior drives. (CODE ENFORCEMENT)
2. All buckets and accessory equipment are to remain lowered in the lowest possible position at all times. All vehicles and accessory equipment shall not exceed a maximum of thirteen (13) feet six (6) inches in total height, measured from finished grade to highest point. (CODE ENFORCEMENT)
3. Security lighting shall be low intensity and directed away from the surrounding residential area through the use of side shields. Lighting fixtures shall not exceed twelve (12) feet in height within one hundred (100) feet of the west property line. (CODE ENFORCEMENT)
4. No outdoor loudspeakers shall be permitted on site. (CODE ENFORCEMENT)
5. Prior to issuance of a Certificate of Occupancy, the property owner shall install an eight (8) foot high concrete block wall along the west property line adjacent to residential. (BUILDING/ZONING)
6. Fourteen (14) foot high trees spaced 20' on center shall be installed on the exterior side of the required wall and within the landscape buffers along Wallis Road and Military Trail. (ZONING)
7. Any necessary Variances from the Board of Adjustment shall be obtained prior to Development Review Committee (DRC) certification of the site plan. (ZONING)
8. Prior to Development Review Committee certification, the petitioner shall record in the public record a Unit of Control for the subject property in a form acceptable to the County Attorney's Office. (COUNTY ATTORNEY)
9. All conditions of approval for this site shall be complied with prior to issuance of Certificate of Occupancy, unless otherwise specified. (MONITORING/ZONING)
10. Vehicle parking, storage or display shall not be permitted within the right-of-way for Wallis Road or Military Trail adjacent to the subject property. All loading and unloading of commercial vehicles shall take place on site.

B. HEALTH

1. The application and engineering plans to upgrade the onsite sewage disposal system in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (HEALTH)
2. No repairs or maintenance of vehicles are permitted on site. (HEALTH)
3. Vehicle wash residuals cannot be distributed into the onsite sewage disposal system. (HEALTH)

C. CONCURRENCY

1. Prior to application for a building permit, a Concurrency Reservation is required. (ZONING)

E. ENGINEERING

1. Prior to September 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, a safe sight corner at the intersection of Wallis Road and Military Trail. This right-of-way warranty deed shall be free of all encumbrances and encroachments. 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. (MONITORING/BUILDING - Engineering)

2. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a building permit, the property owner 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, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. **If** all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property **owner**. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BUILDING - Engineering)
- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property **Owner's** Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering **of** Xeriscape material during period: of drought in order to maintain healthy plant material. **All** landscape material shall be installed on or before the issuance of a Certificate **of** Occupancy. (BUILDING - Engineering)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance **of** a certificate of occupancy to reflect this obligation. (BUILDING - County Attorney)

F. COMPLIANCE

1. Failure to comply with any condition of approval or ULDC requirement 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;
  - e. Imposition of entitlement density or intensity; and/or
  - f. Review and modification or revocation of the development order by the Board of County Commissioners at an advertised public hearing in accordance with Section 5.8 of the ULDC.

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)