

RESOLUTION NO. R-95- 1005

RESOLUTION APPROVING ZONING PETITION PDD87-103(C)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MILITARY 6, INC.

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 PDD87-103(C) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 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 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) 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) 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) 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; 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 PDD87-103(C), the petition of Military 6, Inc., for an Official Zoning Map Amendment to a Planned Development District (PDD) from General Commercial (CG) to Multiple Use Planned District (MUPD) including the following REQUESTED USES: (1) auto service repair, (2) vehicle sales, (3) rental & self storage, 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 July 27, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara P. Altier*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

The NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA! LESS THE SOUTH 170.29 FEET THEREOF; ALSO LESS THE WEST 60 FEET FOR ROAD RIGHT OF WAY AND LESS THE NORTH 60 FEET FOR LAKE WORTH DRAINAGE DISTRICT CANAL NO. L-29.

EXHIBIT B
VICINITY SKETCH

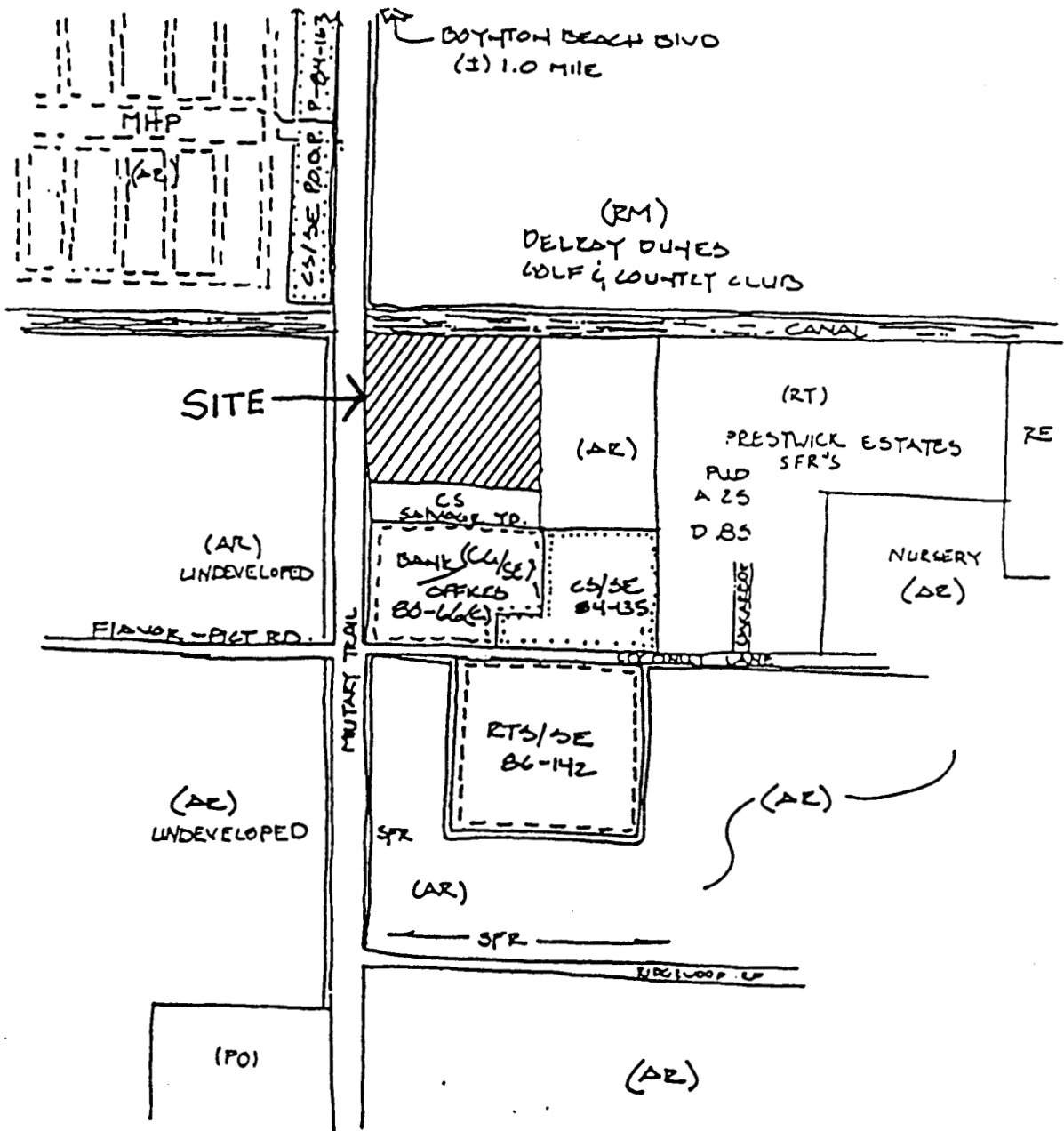


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Previous zoning approvals, and applicable conditions, as granted by Resolutions R-90-522, R-89-743, and R-89-367, are hereby revoked. (MONITORING-Zoning)
2. Development of the site shall be limited to the uses, landscaping and site design shown on the site plan approved by the Board of County Commissioners (Exhibit dated April 28, 1995). All modifications must be approved by the Board of County Commissioners or Board of Adjustment unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ZONING)
3. All abandoned buildings on site shall be removed prior to December 1, 1995. (MONITORING-Building)
4. Prior to certification of the site plan by the Development Review Committee, the petitioner shall:
 - a. obtain a release or abandonment from Florida Power & Light for the concrete block wall, chain link fence, landscaping and directional signage in the easement along the eastern property line; and
 - b. record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. (COUNTY ATTORNEY/ZONING)

B. ANNEXATION

1. The property owner shall voluntarily annex into the City of Boynton Beach at such time the subject property becomes contiguous to or is the subject of an annexation proposal by the City of Boynton Beach. (PLANNING)

C. BUILDING AND SITE DESIGN

1. No openings, except for required emergency exits, shall be permitted on the north facade of buildings along the LWDD L-29 Canal. (BUILDING-Zoning)
2. All roof-top mechanical and electrical equipment shall be screened **so** as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the structures being screened. (BUILDING-Zoning)
3. Parking and storage shall be limited to the areas designated on the site plan only. (CODE ENFORCEMENT)
4. All disassembled or inoperative vehicles, and vehicle parts, shall be stored indoors. (CODE ENFORCEMENT)
5. On site repairs shall be limited to general auto repairs and maintenance only. No paint or body repair shall be permitted on site. (CODE ENFORCEMENT-Zoning)
6. When not open, the self service and open storage areas shall be locked and gated. (CODE ENFORCEMENT)

7. There shall be no outdoor display of vehicles, or parts thereof, for sale or rent. There shall be no outdoor repair of vehicles or parts. (CODE ENFORCEMENT-Zoning)
8. No outdoor loudspeaker systems shall be permitted. (CODE ENFORCEMENT-Zoning)

D. HEALTH

1. Prior to the issuance of a Certificate of Occupancy, the petitioner must connect to public water and sewer. (BUILDING/HEALTH)
2. Generation and disposal of hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent, (HEALTH)
3. The owner, occupant or tenant of the facility shall participate in a recycling program for oil and any other toxic or hazardous materials to insure proper re-use or disposal. (HEALTH)
4. A copy of a "No Further Action Letter" issued by Environmental Resource Management (ERM) confirming the acceptability of the quality of the ground water at this property must be received by the Palm Beach County Public Health Unit prior to the issuance of a building permit. (HEALTH)

E. ENGINEERING

1. If required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING)
2. The developer shall reconstruct the existing median at the project's south entrance in accordance with the County Engineer's approval. Construction shall be concurrent with paving and drainage permits for the site. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (BUILDING-Engineering)
3. 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, Zoning Petition Number 87-103(C), to be paid at the time of issuance of the Building Permit presently is \$73,645.00 (1,339 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

4. 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 all adjacent median(s) of all abutting rights-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 periods 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-CountyAttorney)

F. HOURS OF OPERATION

1. Hours of operation for all automotive repair and related services shall be limited to 7 a.m. to 7 p.m. daily. (CODE ENFORCEMENT-Zoning)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (CODE ENFORCEMENT-Zoning)

H. SIGNS

1. In accordance with the Master Sign Plan submitted by the petitioner, the freestanding point of purchase sign fronting on Military Trail shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point: six (6) feet;
 - b. maximum sign width: fourteen (14) feet; and
 - c. maximum number: one (1). (BUILDING)
2. The existing billboard located in the northwest corner of the property shall be removed prior to December 1, 1995. (MONITORING-Zoning)

I. COMPLIANCE

1. Failure to comply with any of these conditions of approval 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; and/or
 - e. Imposition of entitlement density or intensity.

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)