

FILE COPY

RESOLUTION NO. R-97- 768

RESOLUTION APPROVING ZONING PETITION PDD88-53(D)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF WILLIE AND FRANKIE DAY
BY KIERAN KILDAY, AGENT
(RED BARN MUPD)

17/43/4

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 PDD88-53(D) was presented to the Board of County Commissioners at a public hearing conducted on May 22, 1997; 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 COUNM COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD88-53(D), ~~the~~ petition of Willie and Frankie Day by Kieran Kilday, agent, for an Official Zoning Map Amendment from AR to MUPD 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 **May 22, 1997**, **subject to** the conditions of approval described in **EXHIBIT C**, attached hereto **and made a** part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Burt Aaronson , Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	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 on June 23, **1997**.

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

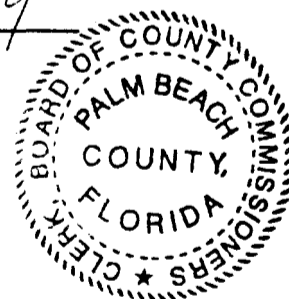


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION

THE EAST 386.2 FEET OF M E WEST 1158.6 FEET .OF LOT 33, BLOCK F, LOXAHATCHEE GROVES, AS RECORDED IN .PLAT BOOK 12, PAGE 29 , PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS.

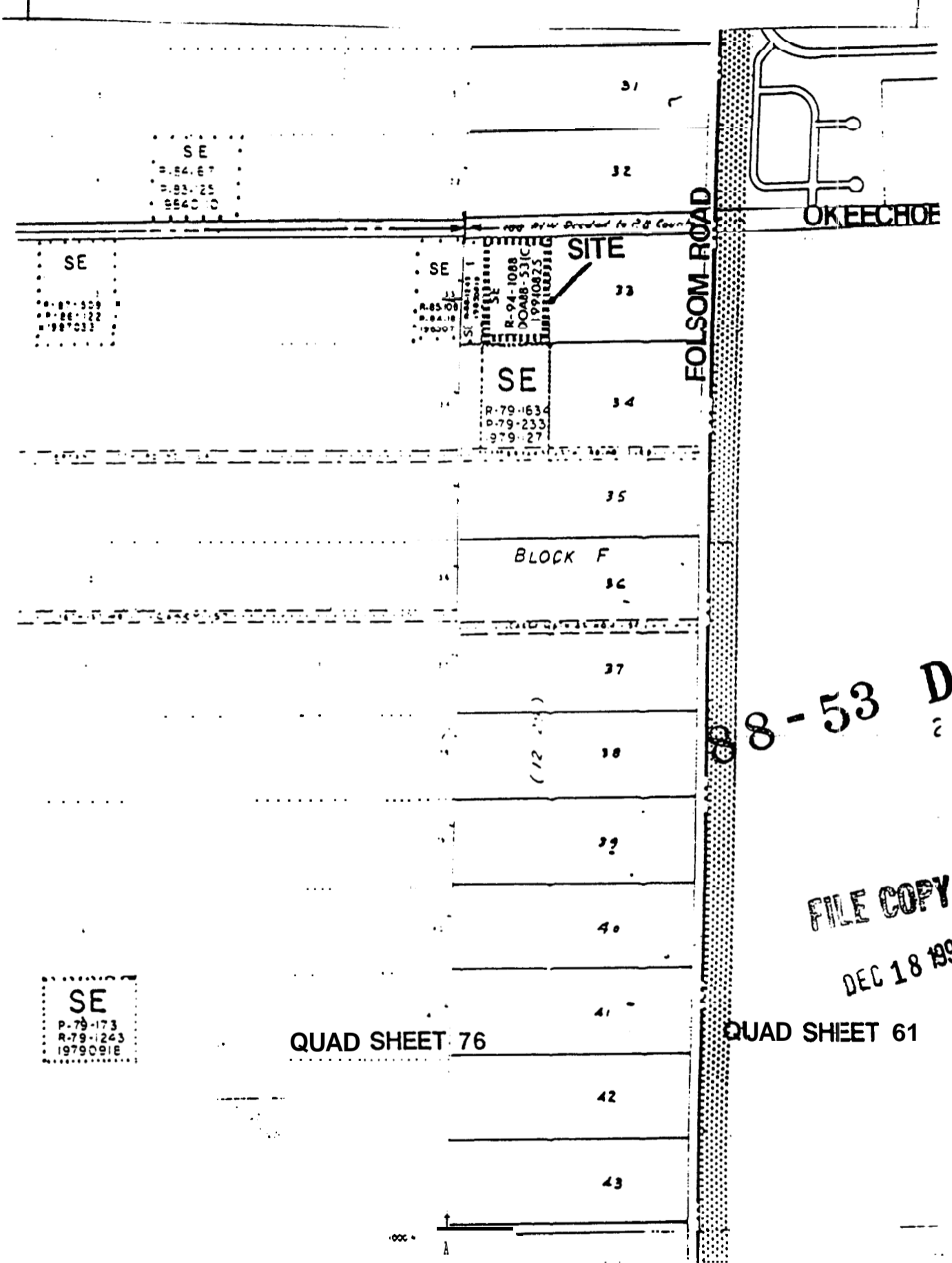
LYING IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CONTAINING 5.00 ACRES.

SUBJECT TO RESTRICTIONS AND RESERVATIONS OF RECORD.

V

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



8-53 D

FILE COPY
DEC 18 1996

SE
P-79-173
R-79-1243
1979091E

QUAD SHEET 76

QUAD SHEET 61



Petition Number: 58-53
 Zoning Quad Page 70
 Date: 12-18-96

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A ALL PETITIONS

1. To ensure compliance with the requirements of this approval, Resolution R-~~89-904, R-90-351, R-94-1088~~ approving Petitions ~~88-53, 88-53(A)(B) (C)~~ are hereby revoked. (ZONING)
2. Development of the site is limited to the uses and site design as approved by ~~the~~ Board of County Commissioners. The approved revised site plan is dated May 16, 1997. 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)

6. ARCHITECTURAL CONTROL

1. Similar architectural treatment shall be provided on all sides of the proposed building. (BLDG. PERMIT: BLDG.-Zoning)
2. The proposed building shall be designed to be consistent to the existing structure. (BLDG. PERMIT: BLDG.-ZONING)
3. A maximum of 27,000 square feet of enclosed building floor area shall be permitted on the property. (DRC: ZONING)
4. The maximum height for the proposed one story building shall not exceed twenty five (25) feet measured from finished grade to the highest point. (BLDG. PERMIT: BLDG.-Zoning)

C. USE LIMITATIONS

1. All loading activities shall take place in the designated loading area. (ONGOING: CODE ENF)
2. Repair services shall be conducted indoors, and limited to small scale lawn/garden maintenance equipment. (ONGOING: CODE ENF)
3. There shall be no auto service stations, laundry service, cocktail lounge, fast food restaurants, self-storage facility, vehicle inspection center, vehicle sales, indoor/outdoor entertainment and fitness center. (ONGOING: CODE ENF)
4. Deliveries from tractor-trailers or semi-trucks shall be allowed only during the hours between 7:00 a.m. to 4:00 p.m., Monday through Saturday. (ONGOING: CODE ENF)
5. Delivery vehicles shall be parked only in the designated outdoor fenced storage area. (ONGOING: CODE ENF)
6. Outdoor sheds shall be stored only in the designated outdoor fenced storage area. (ONGOING: CODE ENF)

D. HOURS OF OPERATION

1. Hours of operation shall be limited to 7:00 a.m.- 9:00 p.m. daily. (ONGOING: CODE ENF)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Okeechobee Boulevard, 60 feet from centerline on or before **November 19, 2000** or prior to the issuance of the first Building Permit whichever shall first occur. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/Eng)
2. Prior to issuance of a building permit the property owner shall convey a 10 foot "Temporary Construction Easement" to Palm Beach County for Okeechobee Boulevard along the entire projects frontage. (BLDG PERMIT: MONITORING - Eng)

F. SIGNS

1. No off-premise signs shall be permitted on the site. (CODE ENF)
2. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side One hundred and fifty (150) square feet;
 - c. Maximum number of signs - one (1). (CO: BLDG)
3. Wall signs shall be limited to the north facade of the existing building. (CO: BLDG)
4. Wall signs shall be limited to the north and west facades of the proposed eastern building. (CO: BLDG)

G. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE/ZONING)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)

H. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces for the eastern portion of the site. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. The petitioner shall install the following landscape buffer on the north side of the outdoor storage area:
 - a. One (1) native canopy tree with a minimum height of fourteen (14) feet planted thirty (30) feet on center;
 - b. A continuous thirty six (36) inch high hedge planted twenty four (24) inches on center. (CO: LANDSCAPING- Zoning)
 - c. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. The petitioner shall install the following landscape buffer on the south, east and west side of the outdoor storage area:
 - a. One (1) palm with a minimum of eight (8) feet of clear trunk planted thirty (30) feet on center;
 - b. A continuous thirty six (36) inch high hedge planted twenty four (24) inches on center. (CO: LANDSCAPING - Zoning)
 - c. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG OKEECHOBEE BOULEVARD

1. Landscaping and buffering along Okeechobee Boulevard shall include the following:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) slash pine tree for each twenty five (25) linear feet of frontage;
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE SOUTH, EAST AND SOUTH 100 FEET OF WEST PROPERTY LINE

1. Landscaping and buffering along the south, east and south 100 feet of the west property line shall include:
 - a. A fifteen (15) feet Type C Landscape Buffer,
 - b. A six (6) foot high opaque fence;
 - c. Thirty (30) inches high hedge planted on both sides of the fence, 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
 - d. One (1) canopy, native tree planted at twenty (20) feet on center.
 - e. The rear fifty (50) feet of the south property line shall be limited to dry detention/landscaping and buffering purposes only. (CO: LANDSCAPE - Zoning)

K. HEALTH

1. Application and engineering plans to upgrade the existing or construct a new centrally located on-site sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
2. There shall be no food service or processing allowed on-site when an onsite sewage treatment and disposal system (OSTDS) is required. (ONGOING: HEALTH CODE ENF)

L. OUTDOOR STORAGE AREA

1. Outdoor storage area shall be limited to the Outdoor Shed Display Area the Outdoor Storage Structure (pole barn) and the truck wells designated on the site plan dated May 16, 1997. (DRC: ZONING)
2. The maximum square footage of outdoor storage shall be limited to 26,500 square feet of fenced area, including driveway and vehicular maneuvering areas. (DRC: ZONING)
3. The outdoor storage area shall be enclosed on all sides with a six (6) foot high opaque wood fence. Two (2) gated openings are permitted on the north side of the fence. The required fence shall be consistent in design and height with the existing six (6) foot high fence. (DRC: ZONING)
4. No shellrock paving shall be permitted in the outdoor storage area (DRC: ZONING)
5. No semi trailers shall be used for storage purposes. (DRC: ZONING)
6. The Pole Barn shall be enclosed for weather protection purposes for the storage of the hay and bedding materials stored therein. The owner shall execute a removal agreement that in the event the hay and bedding material is removed the side enclosures shall be removed. (DRC: ZONING)
7. The maximum square footage of the outdoor storage structure (pole barn) excluding the truck wells shall be limited to 5000 square feet and shall not exceed twenty (20) feet in height. The Pole Barn shall not be calculated as building square footage. (DRC: ZONING)

8. The outdoor storage structure (pole barn) shall have a minimum thirty (30) feet setback on the south, east and west property lines. (DRC: ZONING)
9. No commercial communication towers shall be allowed on the site. (ONGOING: ZONING)

M. LANDSCAPING - EXISTING

1. Prior to final DRC certification, the petitioner shall replace any dead, damaged, or missing trees, shrubs or other required improvements along the entire perimeter of the site in accordance with the ULDC or Landscaping conditions as modified. (DRC: LANDSCAPING - Zoning)

N. 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. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG -Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

O. OUTSTANDING LIENS AND FINES

1. Prior to final DRC certification all outstanding liens and fines shall be paid. (DRC: CODE ENF / OFMB)

P. COMPLIANCE

1. 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; 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 majority vote of **the** Code Enforcement Board 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)