

ORIGINAL

RESOLUTION NO. R-91- 1714

RESOLUTION APPROVING ZONING PETITION NO. 91-26
REZONING PETITION OF SCHICKEDANZ BROS. PALM BEACH LMTD.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-26 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 29, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-26, the petition of SCHICKEDANZ BROS. PALM BEACH LMTD., BY ROBERT A. BENTZ, AGENT, for a REZONING FROM RM TO IL on a parcel of land lying in the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, subject to easements, restrictions, reservations and rights-of-way of record, and being located ON THE W SIDE OF WESTGATE AVE. OUTFALL, APPROX. .2 MILE S OF WESTGATE AVE. EXTENSION, BOUND ON THE S BY LWDD LATERAL CANAL NO. 2, was approved on August 29, 1991, as advertised, subject to the following voluntary commitments:

A. STANDARD CONDITION

1. Development of the site is limited to the uses and site design stipulated in the Development Agreement entered into on August 29, 1991, and hereby incorporated by reference as Exhibit A.

B. ACCESS

1. Prior to issuance of a building permit, the petitioner shall record a copy of an Easement Agreement in the public record indicating adequate access to the site in a form acceptable to the County Attorney and the County Engineer.

C. BUILDING AND SITE DESIGN

1. Total floor area shall be limited as stipulated in the Development Agreement incorporated herein.
2. All air conditioning and mechanical equipment shall be screened from view on all sides.
3. All on site excavation shall comply with the Palm Beach County Subdivision Regulations and the standards of Zoning Code Section 500.3.

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscure, opaque gate.

E. ENGINEERING

1. 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 \$26,840.00 (488 trips X \$55.00 per trip).
2. The property owner shall convey to the Lake Worth Drainage District the south 28 feet of the south 1/2 of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of Section 25, Township 43 south, Range 42 east for the required right-of-way for Lateral Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to December 1, 1991.
3. 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 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.
4. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous waste shall be separate from stormwater runoff from the remainder of the site.

5. The Developer shall plat the subject property in accordance with the provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8, as amended, and the Development Agreement as entered into and attached as Exhibit A.
6. Prior to plat approval the access easement shall be recorded for the western building in accordance with the attached Development Agreement.

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. The Department of Environmental Resources Management will provide guidance on appropriate protective measures.
2. Plans for underground storage tanks shall be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chance of groundwater contamination. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.
3. If a wet retention system is used, all new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to, and approved by, the Department of Environmental Resources Management prior to issuance of a building permit. This condition shall not conflict with any agreements regarding littoral zones between Palm Beach County and the property owner.

G. FAA

1. Prior to issuance of a building permit, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations or the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports.

H. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on site to provide potable water.

4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.

I. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

J. LANDSCAPING - GENERAL

1. Prior to issuance of a building permit, the petitioner shall indicate on the landscape plan conformance to all minimum Landscape Code requirements and landscape/vegetation preservation conditions of approval.
2. All landscaping shall be selected, installed and maintained according to xeriscape principles with appropriate irrigation.
3. Credit may be given for all existing native vegetation preserved or relocated which meets the intent of the following landscaping requirements.

K. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high wall, hedge, fence, berm, or combination.

The following landscaping requirements shall be installed on the exterior side of the required 6 foot high buffer:

- c. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center.
- d. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

L. LANDSCAPING ALONG SOUTH PROPERTY LINE;

1. Landscaping along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. One twelve (12) foot tall native canopy tree planted every twenty-five (25) feet on center.

- c. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches.

M. LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping along the east property line shall be upgraded to include:
 - a. A minimum ten foot wide landscape buffer strip.
 - b. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center.
 - c. A continuous thirty-six (36) inch tall opaque hedge planted twenty-four (24) inches on center at installation.

N. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping along the west property line shall be upgraded to include:
 - a. A minimum five foot wide landscape buffer strip.
 - b. One twelve (12) foot tall native canopy tree planted every thirty (30) feet on center.
 - c. A continuous thirty-six (36) inch tall opaque hedge planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

O. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.
2. All pole mounted lighting fixtures shall not exceed twenty (20) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

P. PARKING

1. Vehicle parking shall be limited to designated parking areas. No parking of vehicles shall be permitted in landscaped areas, rights-of-way or interior drives.

Q. RECYCLE SOLID WASTE

1. The petitioner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.
2. Receptacles for recycled materials shall be located in the parking areas or adjacent to dumpster locations.

R. RESTRICTIVE COVENANT

1. Prior to platting the subject property, the petitioner shall record a copy of a Restrictive Covenant in the public record indicating that all uses on the western portion of the property are accessory to the adjacent Al Packer Ford property and that no retail sales to the public are to be permitted unless a fifty (50) foot wide free and clear paved access drive is provided through the Al Packer Ford property to the subject property from Military Trail. This covenant shall not be removed, altered, changed or amended without written approval from the County and shall be in a form acceptable to the County Attorney.

S. SCHOOL BOARD

1. Due to this project's location immediately south of the Gold Coast Corporate Academy, formerly known as Golfview Junior High School, the petitioner agrees to and shall be restricted from the following uses:
 - a. On site bottling, sales and consumption of alcoholic beverages.
 - b. Adult entertainment establishments.
 - c. Video arcades.
 - d. Gun shops and in-door target ranges.

T. SIGNS

1. No free standing, roof mounted or projecting signs shall be permitted on site. Directional signs only are excluded from this requirement. Directional signs shall not exceed six (6) feet in height or twenty (20) square feet per face.
2. All other on site signs shall comply with the Palm Beach County Sign Code and shall indicate the principal use only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted.

U. USE LIMITATION

1. No access between the eastern and western portions of the site shall be permitted.
2. All proposed uses shall be limited to indoor uses with no outdoor storage or outdoor operations.
3. No outdoor loudspeaker system audible off site shall be permitted.
4. No outdoor business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m.
5. In the event an Easement Agreement is executed by the school Board of Palm Beach County, development of the site shall be limited to the uses stipulated in the Agreement, which shall be referenced and incorporated herein.

V. VEGETATION PRESERVATION

1. Prior to issuance of a building permit, the petitioner shall submit the following information to the Zoning Division:
 - a. A tree survey drawn at the same scale as the landscape plan. This survey shall number, size and identify all native trees four (4) inches and greater in diameter in a tabular form and identify whether each tree is proposed to be preserved in place, relocated on site, or removed from site.
 - b. A Vegetation Preservation, Relocation and Removal Plan which identifies and indicates compliance with the following:
 - 1) The proposed location of each tree to be relocated.
 - 2) Justification for all relocation or removal.
 - 3) Methods to be used in relocation, preservation or removal.
2. All oak trees greater than thirty (30) inches in diameter shall be preserved in place, unless it is determined by the Zoning Department that such trees impose undue constraints on the efficient planning or engineering of the property, at which time the developer shall relocate said tree(s) in accordance with Arbor Society Standards.
3. All oak trees between five (4) and twenty-nine (29) inches in diameter shall be preserved or relocated.
4. All cypress and slash pine trees that can be moved with a tree spade shall be preserved or relocated.

W. WESTGATE CRA CONDITIONS

1. This site lies within the Westgate Community Re-development Area and is subject to the provisions of Zoning Code Section 627 (Westgate CRA Overlay District), in addition to other applicable zoning district, special exception and land development regulations.

X. COMPLIANCE

1. Failure to comply with any of these voluntary commitments at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Development Agreement and any zoning which was approved concurrently with the Development Agreement as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of land development, applicable at the time of the finding of non-compliance, or the addition or modification of commitments reasonably related to the failure to comply with existing commitments.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of November, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

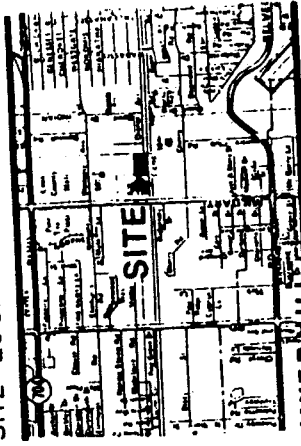


SCHICKEDANZ 5AC. INDUSTRIAL

PALM BEACH COUNTY, FLORIDA

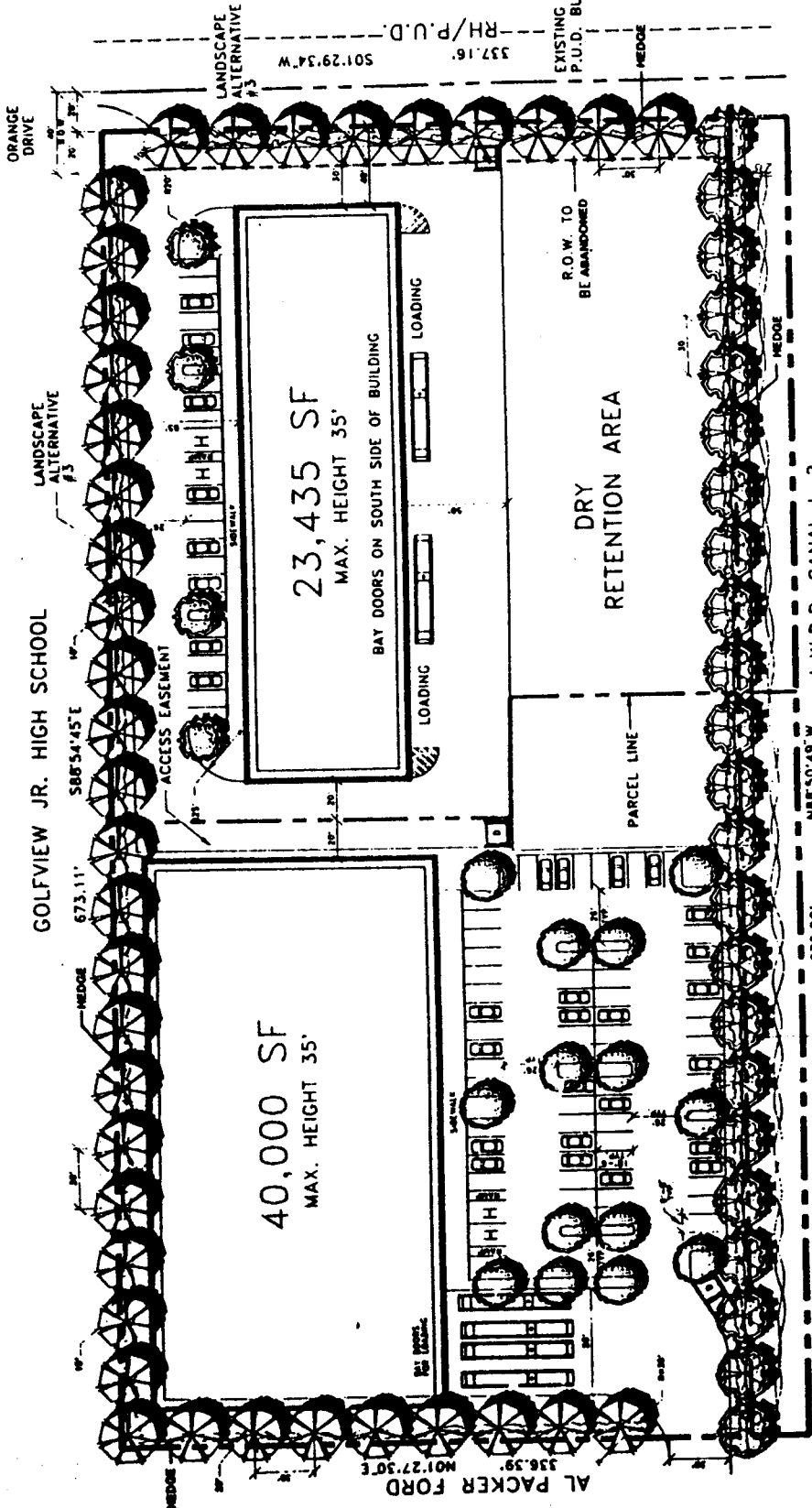
SITE DATA	
Total Lot Area	5.2 AC
Total Building Area	63,435 SF
Floor/Lot Area Ratio	28%
Parking Required	40 SP
Existing Zoning	99 SP
Proposed Zoning	IL/SE

SITE LOCATION



LANDSCAPE DATA

Item	Quantity	Notes
1" Caliper	100	
2" Caliper	50	
4" Caliper	25	
6" Caliper	15	
8" Caliper	10	
10" Caliper	5	

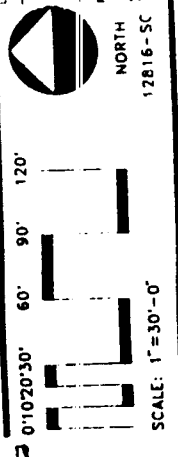


SITE PLAN

01-26 NOTES
TYPICAL LOADING SPACE SHALL BE 35'x15' AND EACH CONTIGUOUS SPACE TO THE FIRST SHALL BE 12' IN WIDTH.
EACH TYPICAL HANDICAP PARKING SHALL BE 20'x12' W/ 4.5' RAMP BETWEEN THE TWO

PERMITS NO. 20
DATE SUBMITTED 18
REVISION NO. 18
PERSEDES EXH. NO. 18

THE KING'S ACADEMY



SCALE: 1"=30'-0"

NORTH
12816-SC
1 OF 1