

RESOLUTION NO. R-2000-1082

RESOLUTION APPROVING ZONING PETITION Z2000-006
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF THOMAS HAHN
BY ROBERT BASEHART, AGENT
(HAHN PROPERTY)

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 Z2000-006 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2000; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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, as amended; 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 Z2000-006, the petition of Thomas Hahn by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to General Commercial (CG) with a Conditional Overlay Zone (COZ) 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, 2000, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*
COUNTY ATTORNEY

BY: *Joan Harvey*
DEPUTY CLERK

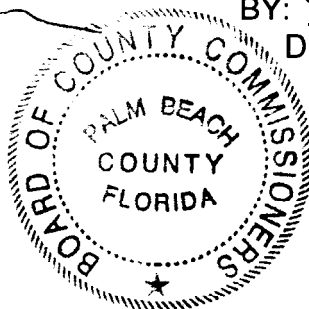


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the southwest corner of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida; thence run northerly along the west line of said Section 14, a distance of 127.54 feet to a point on the southerly right-of-way line of State Road No. 806, as recorded in Road Plat Book 3, Page 25, Public Records of Palm Beach County, Florida; thence run northeasterly along the said southerly right-of-way line of State Road No. 806, being a curve concave to the northwest and having a radius of 1832.27 feet, a distance of 400 feet to the POINT OF BEGINNING; thence continue northeasterly along said southerly right-of-way line, a distance of 282.61 feet to a point, being the point of tangency of said curve; thence run northeasterly along the tangent of said curve, being the said southerly right-of-way line of State Road No. 806, a distance of 17.39 feet to a point; thence run southerly along a line parallel with and 566.76 feet east of the said west line of Section 14, a distance of 534.10 feet to a point on the south line of said Section 14; thence run westerly, along the said south line of Section 14, a distance of 223.74 feet to a point; thence run northerly along a line parallel with and 343.02 feet east of the said west line of Section 14, a distance of 333.58 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida and containing 95,900 square feet, 2.20 acres, more or less.

EXHIBIT B

VICINITY SKETCH

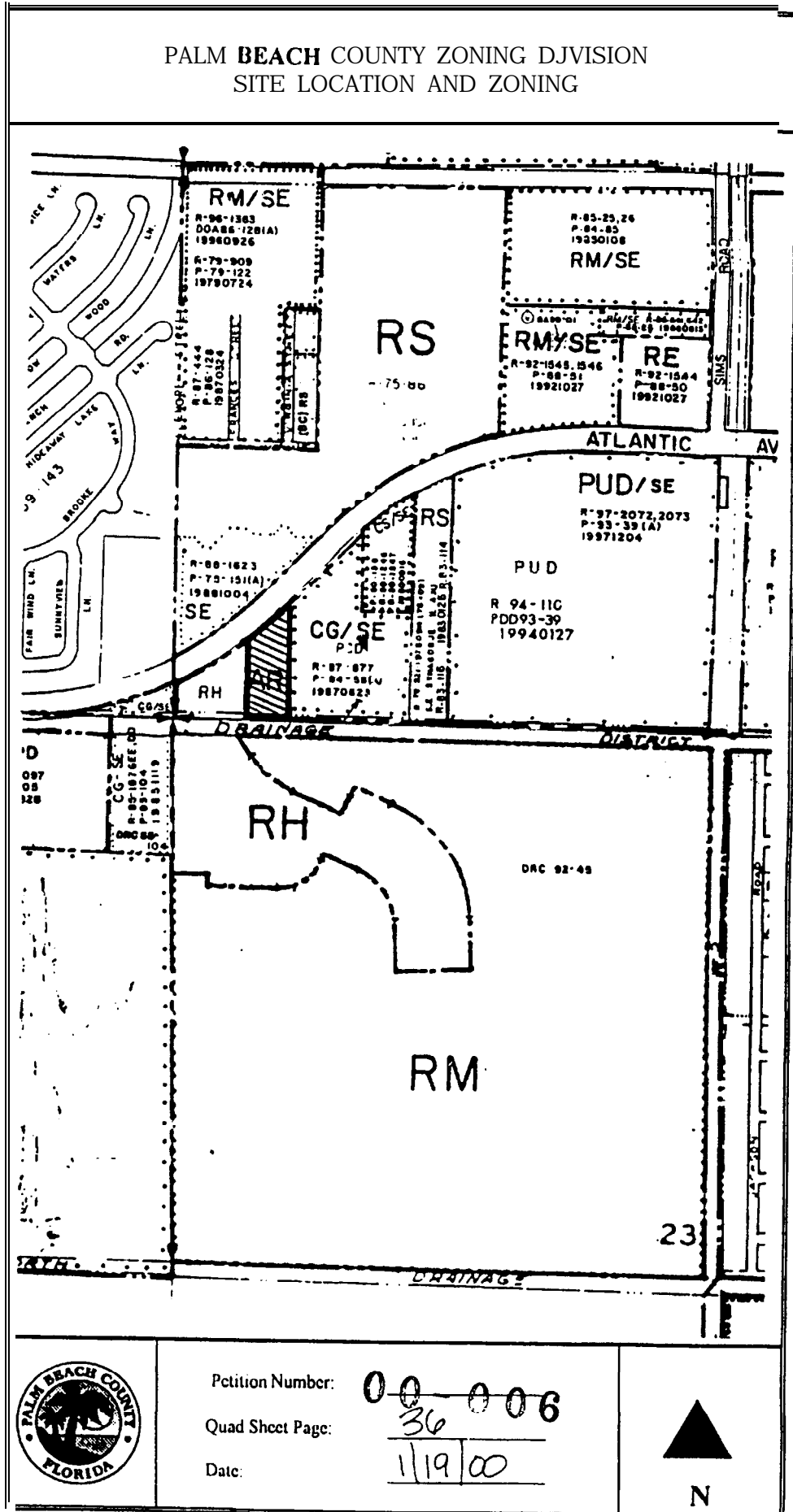


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved conceptual site plan is dated July 5, 2000. 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)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations.

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 18,400 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC. (DRC: ZONING)
2. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

D. LANDSCAPING - STANDARD

1. All perimeter canopy trees required to be planted on site by this approval shall meet the following minimum standards at 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; and,
 - 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 installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - 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)
- 3. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. The Property owner shall construct a left turn lane east approach on West Atlantic Avenue at the project's entrance road if the entrance to the site is approved by the Florida DOT adjacent to the existing median opening.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- 2. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF WEST ATLANTIC AVENUE
 - 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 provide landscape cutouts within the concrete median of West Atlantic Avenue right-of-way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
 - B) All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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, and the irrigation system. All landscape material shall be installed prior to the issuance of the certificate of occupancy. (CO: MONITORING-Eng)

- C) If the County does not assume maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

3. Prior to DRC approval of the site plan:

- A) an approved encroachment mitigation plan for the adjacent Lake's of Delray water management tract which exists on this site shall be submitted to the Land Development Division. This plan shall be required to be approved by the County Engineer.
- B) a conceptual driveway permit for access onto West Atlantic Avenue outlining the DOT onsite turn lane requirements (DRC APPROVAL: ENG)

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ATLANTIC AVENUE FRONTAGE)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No reductions shall be permitted;
 - b. a minimum two and a half (2.5) foot high continuous berm measured from top of curb;
 - c. one (1) canopy tree planted every thirty (30) feet on center;
 - d. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) 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)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No reductions shall be permitted; and
 - b. a minimum six (6) foot high opaque concrete wall to be installed. This wall shall be measured from the finished grade of the site to the highest point of the wall. The exterior side of the wall shall be given a finished architectural treatment; and
 - c. twenty-four (24) 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 seventy-two (72) inches on the west property line. (CO: LANDSCAPE)

2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) canopy tree planted every twenty (20) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line, with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) 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 on the south property line only. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches on the south property line only. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL/WATER MANAGEMENT TRACT)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No reductions shall be permitted;
 - b. a minimum two (2) foot high continuous berm measured from top of curb;
 - c. one (1) canopy tree planted every twenty (20) feet on center;
 - d. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) 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)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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, as defined by the ULDC, to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

J. SIGNS

1. Freestanding point of purchase signs fronting on Atlantic Avenue 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 - 100 square feet;
 - c. maximum number of signs - one (1); and
 - d. style - monument style only. (CO: BLDG)
- 2. Wall signs shall be limited to the north and east facades of the building. (CO: BLDG)
- 3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

K. USE LIMITATIONS

- 1. The following uses shall not be permitted on the site:
 - a. Agricultural sales and service;
 - b. Cocktail lounge;
 - c. Monument sales, retail;
 - d. Storage, agricultural;
 - e. Adult entertainment;
 - f. Agricultural stand;
 - g. Amusements, temporary or special events;
 - h. Recycling collection station;
 - i. Recycling drop off bin;
 - j. Grooms quarters;
 - k. Heliport or helipad;
 - l. Packing plant;
 - m. Parking lot, commercial;
 - n. Recycling center; and
 - l. Stable, commercial
 - j. auto parts. (DRC: ZONING)
- 2. Retail business activity shall not be allowed on site, including deliveries, prior to 8:00 a.m. nor continue later than 10:00 p.m. daily. Except for holidays, hours may be extended to 1 1:00 p.m. daily (ONGOING: CODE ENF - Zoning)
- 3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

L. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
- 2. Failure to comply with any of the voluntary commitments 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; revocation of any concurrency; 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)