

RESOLUTION NO. R-2001- 0241

RESOLUTION APPROVING ZONING PETITION CA1 998-073(2)
CLASS A CONDITIONAL USE
PETITION OF HERBERT & KARL KAHLERT
BY KILDAY & ASSOC., AGENT
(KAHLERT SSSF)

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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA1 998-073(2) was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2001; 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 Unified Land Development Code (ULDC) 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Unified 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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 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 CA1 998-073(2), the petition of Herbert & Karl Kahlert, by Kilday & Assoc., agent, for a Class A Conditional Use (CA) to allow truck rental use in the Light Industrial (IL) 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 22, 2001, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Absent
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

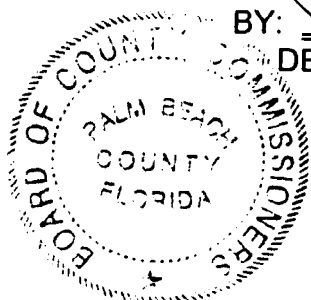
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS,

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition CA1998-073(2)
Project No. 0748-003



Page 2

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN PARCEL A-2, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED IN PLAT BOOK 79, PAGES 152 THROUGH 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, AS RECORDED IN PLAT BOOK 79, PAGES 152 THROUGH 155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES, 59 MINUTES, 57 SECONDS WEST, ALONG THE SOUTH LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 2615.10 FEET; THENCE NORTH 00 DEGREES, 01 MINUTES, 32 SECONDS WEST, ALONG THE WEST LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. 2, A DISTANCE OF 84.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES, 01 MINUTES, 32 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 634.09 FEET; THENCE SOUTH 74 DEGREES, 59 MINUTES, 58 SECONDS EAST, A DISTANCE OF 335.08 FEET TO A NONTANGENT INTERSECTION WITH A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 53.00 FEET AND A RADIAL BEARING OF SOUTH 46 DEGREES, 55 MINUTES, 20 SECONDS EAST AT SAID INTERSECTION, SAID CURVE ALSO BEING THE WEST RIGHT OF WAY LINE OF VENTURE CENTER WAY AS SHOWN ON BOYNTON BEACH ENTERPRISE CENTER REPLAT NO. 3, AS RECORDED IN PLAT BOOK 80, PAGES 160 THROUGH 161 OF SAID PUBLIC RECORDS; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT OF WAY LINE OF VENTURE CENTER WAY THROUGH A CENTRAL ANGLE OF 140 DEGREES, 22 MINUTES, 51 SECONDS, A DISTANCE OF 129.86 FEET TO A NONTANGENT INTERSECTION; THENCE SOUTH 00 DEGREES, 00 MINUTES, 20 SECONDS EAST ALONG THE WEST BOUNDARY LINE AND THE EXTENSION THEREOF, OF PARCEL B-3 AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER REPLAT NO. 3, A DISTANCE OF 458.59 FEET TO THE SOUTHERLY MOST SOUTHEAST CORNER OF SAID PARCEL A-2; THENCE SOUTH 89 DEGREES, 59 MINUTES, 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL A-2, A DISTANCE OF 368.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.85 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

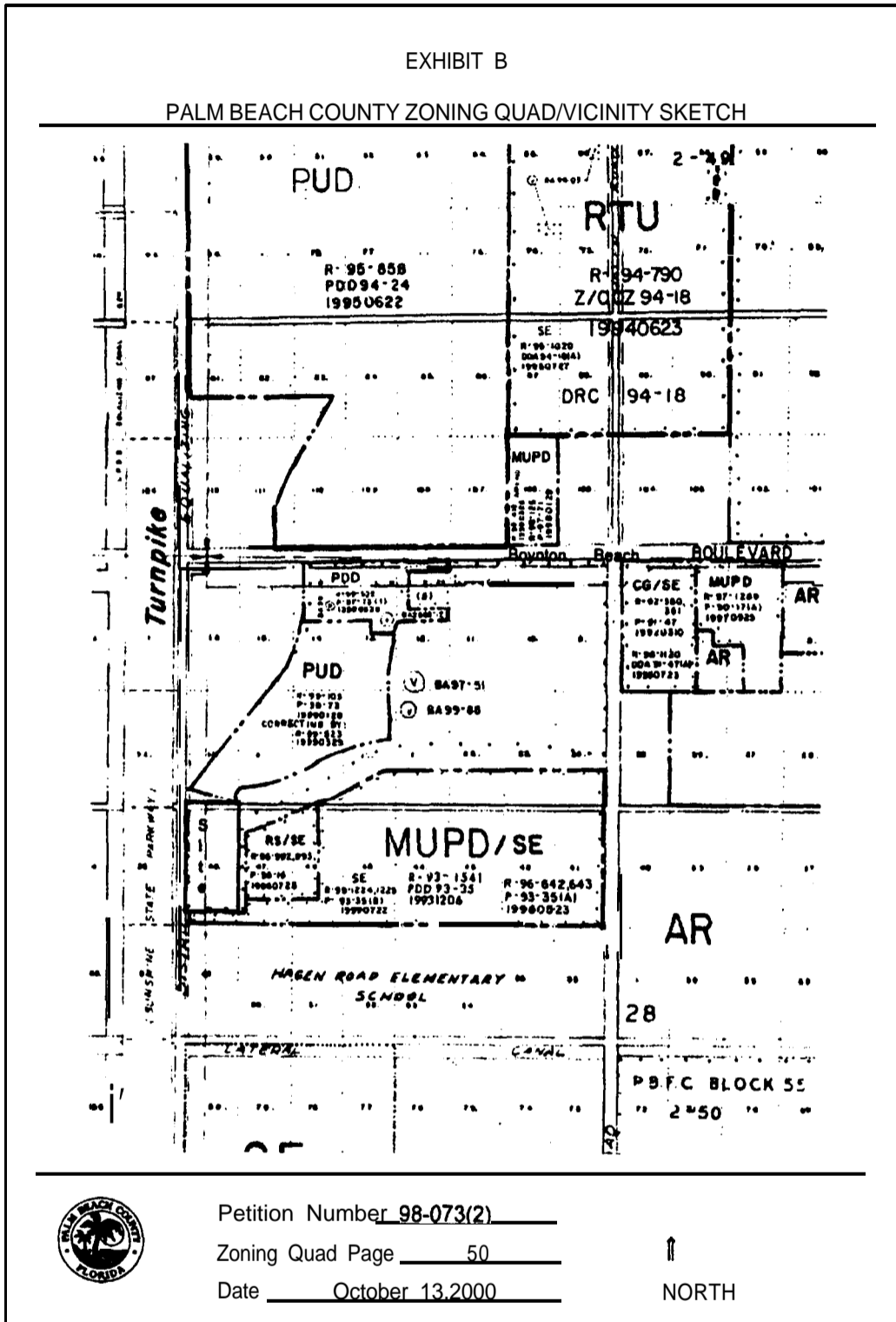


EXHIBIT C

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 site plan is dated January 19, 2001. 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. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 and shall be a Spanish Mission or Mediterranean style. (DRC: PLANNING/ZONING)
2. The proposed buildings shall be designed and constructed to be consistent with the facade elevations by Kilday & Associates dated November 27, 2000. (BLDG PERMIT: BLDG - Zoning)
3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 95,069 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 -Zoning)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet except for decorative elements which shall not exceed forty (40) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. No barbed or razorwire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)

D. HEALTH

1. No vehicle maintenance or repair shall take place at this site. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. The Property owner shall construct:
 - I) Venture Center Way and **Hagen** Ranch Road
 - Left turn lane south approach; (Funding completed)
 - Right turn lane north approach (Funding completed)
 - Left turn lane west approach (completed)
 - II) Bethesda Health City Entrance and **Hagen** Ranch Road
 - Left turn lane south approach;
 - Right turn lane north approach
 - Left turn lane west approach (completed)
 - 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 Palm Beach County 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. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - A) Building permits for more than the previously-approved development* plus an additional 19,610 square feet of general retail (or the equivalent of 5646 trips per day as determined by the County Engineer) shall not be issued until the contract is let for the construction of **Hagen** Ranch Road from Boynton Beach Boulevard to West Atlantic Avenue as a **5-lane** cross-section.
 - B) Building permits for more than the previously-approved development* plus an additional 23,550 square feet of general retail (or the equivalent of 5777 trips per day as determined by the County Engineer) shall not be issued until construction commences on Boynton Beach Blvd. from Lyons Rd. to the Florida Turnpike as a 4-lane divided cross-section.
 - C) Building permits for more than the previously-approved development* plus an additional 24,450 square feet of general retail (or the equivalent of 5808 trips per day as determined by the County Engineer) shall not be issued until the contract is let for the construction of Woolbright Road from El Clair Ranch Rd. to Military Trail as a 4-lane divided **cross-section**.
 - D) Building permits for no more than the previously-approved development* plus an additional 185,150 square feet of general retail and 93,669 square feet of self-storage facility (including caretakers quarters, 0.2 acre open storage, and 6-space truck rental or the equivalent of 10,048 trips per day as determined by the County Engineer) shall not be issued until the contract is let for the construction of Gateway Blvd. from Jog Road to Military Trail as a **4-lane** divided cross-section.

- * Previously-approved development is defined as the following (total of 4978 trips per day):
- 19,200 square feet of general retail
 - 1,686 square feet of convenience store
 - 12-fueling position service station accessory car wash fire station 42-unit ACLF 71-bed nursing home
 - 264 multi-family dwelling units (BLDG PERMITS: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. Fifty percent (50%) of the 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. All landscaping shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (ONGOING: PLANNING)

4. Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings. (CO: LANDSCAPE - Zoning)

G. 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. one (1) canopy tree planted every twenty-five (25) feet on center;
 - c. 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,
 - d. 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)

H. LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every twenty-five (25) feet on center;
- c. one (1) palm or pine tree for each thirty (30) linear feet of property line. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- d. 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. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING TURNPIKE RIGHT-OF-WAY)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. Width reductions may be permitted pursuant to the ULDC;
 - b. one (1) canopy tree planted every twenty-five (25) feet on center;
 - c. one (1) palm or pine tree **for each** thirty (30) linearfeet. **A group of three** or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - d. 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)

J. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures except for facades with **baydoors** to consist of the following:
 - a. the minimum width of the required landscape areas shall be eight (8) feet;
 - b. the length of the required landscaped areas shall be no less than fifty (50%) percent of the total length of each required side of the structure; and,
 - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Palm Beach County Security Code, and 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 - Planning)
3. The lighting conditions above shall not apply to proposed securii or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. PLANNING

1. The underlying Industrial land uses for the **LS/MU** designation for the entire subject property shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Industrial (IND)	10 acres	---	36 acres

Based on the above information, if Petition **98-73(2)** is approved, additional industrial development shall be permitted provided the above thresholds and a FAR of **.45** are not exceeded. In addition, all future pods of development must comply with the mix of other uses as specified in Ordinance 96-66. (DRC: PLANNING)

2. Prior to final certification of the site plan by the Development Review Committee, all plans (preliminary development plan, site plan, conceptual master plan, and land use allocation master plan) shall be amended to indicate that the maximum allowable FAR for this site is 95,069 or **.45** FAR. (DRC: PLANNING)
3. Prior to final certification of the site plan by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with recommendations of the West Boynton Area Community Plan (**Rec.#35, 37, 39, and 47**) regarding shaded pedestrian access and shaded pedestrian connections. (DRC: PLANNING)
4. Prior to final certification of the site plan by the Development Review Committee, in order to comply with Recommendations **35, 37, 39, and 47** from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation along the 80' right-of-way shown on the preliminary development plan. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum cleartrunk of five (5) feet and shall be spaced an average distance of twenty-five (25) feet or less along the sidewalks of this 80' road right-of-way shown on the preliminary development plan subject to approval of the County Engineer. (DRC: PLANNING)
5. Prior to final certification of the site plan, the site plan shall be amended to include shaded pedestrian linkages on or adjacent to the subject property to the mass transit stop to the east of this parcel. (DRC: PLANNING)

M. SIGNS

1. All **signage** along Venture Center Way shall be designed and constructed in accordance with Section 5 - "**Signage** Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
2. Freestanding point of purchase signs fronting on Venture Center Way shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;

- c. Maximum number of signs -one (1);
 - d. Style - monument style-only. (Cd: BLDG)
3. No off-premise signs or relocated billboards shall be permitted on the site, except for the replacement of the existing billboard(Tag no B-0050, Lease 1 48053BS, Lease 2 48052BN) in the location as shown on the site plan dated January 19, 2001. (ONGOING/DRC: CODE ENF/ZONING)
 4. All lighted wall signs shall be extinguished upon termination of business each operating day except for the sign on the west facade of the limited access self-service storage building (westernmost building facing the Turnpike). (ONGOING/DRC: CODE ENF/ZONING)

N. USE LIMITATIONS

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
2. There shall be no outdoor repair or storage of auto parts on site. (ONGOING: CODE ENF)
3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be confined to the areas designated on the site plan dated January 19, 2001. (DRC/ONGOING: ZONING/CODE ENF)

O. 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 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; 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)

•