

RESOLUTION NO. R-95-432

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. CR 94-36  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-94-1086  
WHICH APPROVED THE REZONING AND CONDITIONAL OVERLAY ZONE  
THE PETITION OF VALERIE ZAMMIT  
PETITION NO. 94-36

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 94-36 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 30, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 94-36 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The conditions listed below require this petition to develop more in conformity with current standards of development.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 94-36, to amend Conditions of Approval of Resolution No. R-94-1086, which rezoned property to the IL-Light Industrial Zoning District with a Conditional Overlay Zone (COZ) by the approval of the petition of Valerie Zammit, Petition No. 94-36, on the West 1/2 of Lot 2, Block 6 of the Palm Beach Farms Co. Plat No. 3, a subdivision in Palm Beach County, Florida, according to the plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54;

Together With;

The West 5 acres of Tract 11, Block 6 of the Palm Beach Farms Co. Plat No. 3, a subdivision in Palm Beach County, Florida, according to the plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54.

Both tracts being subject to reservations of record., being located on the approximately 0.25 miles east of Pike Road, on the south side of Belvedere, Road, is approved, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition number **A.2.** of Resolution R-94-1086 which states:

Prior to November 30, 1994, the petitioner shall obtain a concurrency reservation for the towing service and storage facility and any other permitted use operated or proposed to be operated on site.

Is hereby deleted.

3. Condition number **A.3.** of Resolution R-94-1086 which states:

Prior to January 31, 1995, or issuance of an occupational license, whichever occurs first, the petitioner shall submit and receive approval of a site plan indicating all uses on the subject site.

Is hereby amended to state:

Prior to issuance of the first building permit for enclosed or roofed floor area, the property owner shall submit and receive approval of a site plan by the Development Review Committee indicating all uses on the subject site. (BUILDING-Zoning)

Commissioner **Marcus** moved for approval of the Resolution.

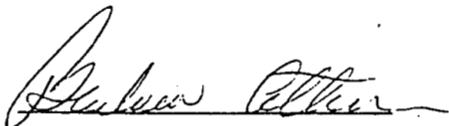
The motion was seconded by Commissioner **Newell** and, upon being put to a vote, the vote was as follows:

KEN FOSTER, CHAIR	Aye
BURT AARONSON	Absent
MAUDE FORD LEE	Aye
KAREN T. MARCUS	Aye
MARY MCCARTY	Absent
WARREN H. NEWELL	Aye
CAROL ROBERTS	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

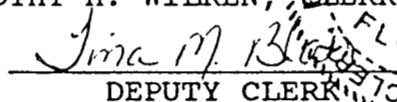
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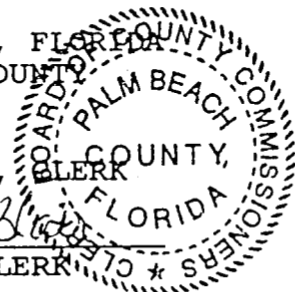


PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
DEPUTY CLERK



PALM BEACH COUNTY

STATUS REPORT CR 94-36  
(For Zoning Petition 94-36)

Staff Recommendation

Staff recommends the approval of a six month time extension, from November 30, 1994, to May 30, 1995, to comply with condition number A1 of Resolution R-94-1086, the deletion of condition number A2, and the amendment of condition number A3 as follows:

Condition number A.3. of Resolution R-94-1086 which states:

Prior to January 31, 1995, or issuance of an occupational license, whichever occurs first, the petitioner shall submit and receive approval of a site plan indicating all uses on the subject site.

Is hereby amended to state:

Prior to issuance of the first building permit for enclosed or roofed floor area, the property owner shall submit and receive approval of a site plan by the Development Review Committee indicating all uses on the subject site. (BUILDING-Zoning)

This recommendation is based on the following:

1. The current approval is consistent with the Comprehensive Plan.
2. The project meets the Countywide Traffic Performance Standards.
3. Some cleanup work has occurred.
4. The Department of Environmental Resources Management does not object to the approval of a six month time extension for condition number A1.
5. The Zoning Division recommends the amendment of condition number A3.

Development Approval and/or Condition(s) Being Reviewed: Zoning Petition 94-36 was approved by the adoption of Resolution R-94-1086 on August 25, 1994. The resolution rezoned the property to the IL-Light Industrial Zoning District with a Conditional Overlay Zone (COZ). The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Land Development Code, "Compliance with Time Limitations," for failure to comply with conditions of approval. These conditions state:

- A1. Prior to November 30, 1994, the petitioner shall remove from the subject all deleterious (trash), hazardous waste and other waste material in a manner and form acceptable to the Solid Waste Authority (SWA), Palm Beach County Department of Environmental Management (ERM), Florida Department of Environmental Protection (DEP), and any other applicable regulation.
- A2. Prior to November 30, 1994, the petitioner shall obtain a concurrency reservation for the towing service and storage facility and any other permitted use operated or proposed to be operated on site.
- A3. Prior to January 31, 1995, or issuance of an occupational license, whichever occurs first, the petitioner shall submit and receive approval of a site plan indicating all uses on the subject site.

Property Description: The subject property is approximately 12.5 acres in size and is on the approximately 0.25 miles east of Pike Road, on the south side of Belvedere Road.

Property Owner(s): Valerie T. Zammit, TR.

Required Action: Section 5.8 of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval, 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, deny a Certificate of Occupancy, deny or revoke any permit or approval.

#### REVIEW FACTORS

##### Consistency with Land Use Plan

The Land Use Plan category for the subject property is Industrial. The current approval is consistent with the Comprehensive Plan.

##### Performance Standards

The project, which will generate approximately **997 trips per day**, meets the Countywide Traffic Performance Standards.

##### Supplemental

The Department of Environmental Resources Management does not object to the approval of a six month time extension to comply with condition number A1. Timothy Gray of the Department of Environmental Protection has inspected the site and told staff that two tanks and tank debris and numerous port-0-lets have been removed, but all work has not yet been completed.

The Zoning Division recommends the deletion of Condition number A2. Staff's current policy is to not make this type of condition time certain.

The property owner currently is leasing the property to a towing company, but has failed to make required site improvements. The owner has indicated that he may not renew the lease in March. As long as the site is not being used, site improvements are not required. Code Enforcement staff will be requested to inspect the site in April to determine if there are any uses on site which require site improvements, and if **so**, to take appropriate action.

The Zoning Division recommends the amendment to condition number A.3. as provided in the staff recommendation. This will remove the time certain provision to have a site plan certified, but will sufficiently protect the county. Any use of the property prior to receipt of any building permit will still require the property owner to make code required site improvements.

Status Report CR 94-36 was postponed by the BCC from the 1-26-95 meeting, until the 2-23-95 meeting to allow condition number A3 (which expired on 1-31-95) to be added to the status report. It was postponed again on February 23, 1995 until March 30 1995 at the request of staff.

January 1995  
Revised February 1995  
Revised March 1995