

RESOLUTION NO. R-95- 1122

RESOLUTION APPROVING ZONING PETITION CA91-44(A)
CLASS A CONDITIONAL USE
PETITION OF CAROL ORLANS

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) 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 CA91-44(A) was presented to the Board of County Commissioners at a public hearing conducted on August 24, 1995; 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 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 CA91-44(A), the petition of Carol Orlans, by Ellen Covert Smith, AGENT, for a CLASS A CONDITIONAL USE allowing a salvage and junkyard in the General Industrial (IG) 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 August 24, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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:

Ken Foster	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of August, 1995.

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

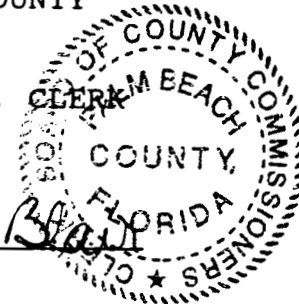


EXHIBIT A
LEGAL DESCRIPTION

OVERALL DESCRIPTION

THE WEST 309.34 FEET OF THE EAST 611.88 FEET OF THE NORTH 575.93 FEET OF **THE** SOUTH 600.93 FEET OF TRACT 6, BLOCK **8**, PALM BEACH FARMS COMPANY PLAT NO. **3**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH **54**, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 178,158 SQUARE FEET OR 4.09 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

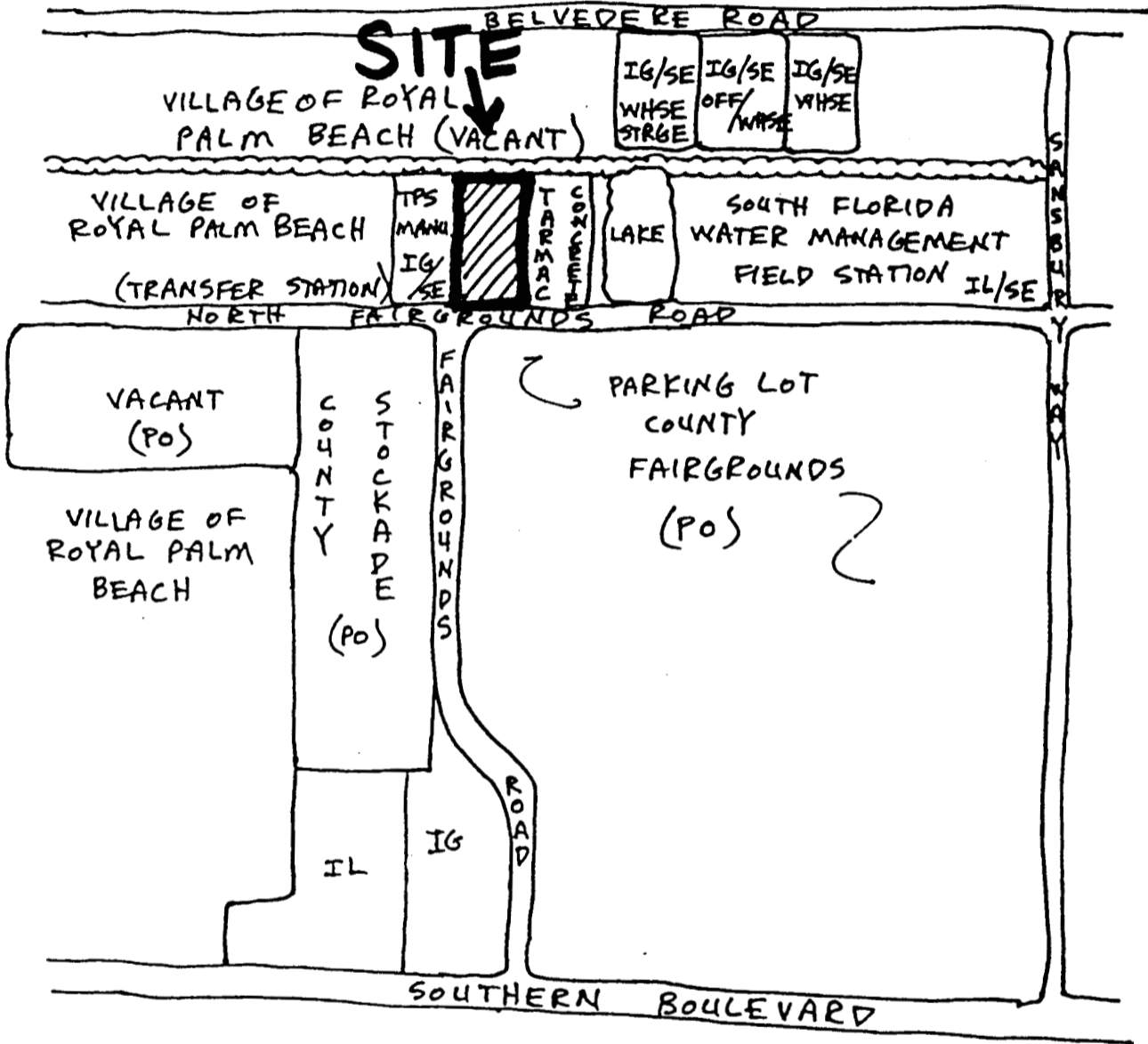


EXHIBIT C

CONDITIONS OF APPROVAL

A. USE LIMITATION

1. Hours of operation shall be limited from **7:30** a.m. to **7:00** p.m. Monday thru Saturday. All demolition and repair activities shall cease no later than 5:00 p.m. daily. This facility shall not be open on Sundays. (CODE ENFORCEMENT)
2. The staging and storage facilities shall be limited to the areas shown on the site plan dated August **17, 1995**, as approved by the Board of County Commissioners. (CODE ENFORCEMENT)
3. No customer repair of vehicles shall be permitted on site. Employee related repairs shall be limited to warranty replacements or installation of parts purchased on-site only. (CODE ENFORCEMENT)
4. The total number of ground level shipping/storage containers permitted on site shall be limited to 26. Double stacking of containers shall not be permitted except within the one **1440** square foot combination staging/storage area immediately south of the existing **3011** square foot building. (CODE ENFORCEMENT)
5. Temporary storage of vehicles in the fenced compound shall be limited to a maximum of six (**6**) months. Stacking of vehicles shall not be permitted. (CODE ENFORCEMENT)

B. PARKING

1. A maximum of **18** customer parking spaces shall be required on site. (BUILDING-ZONING)
2. Overnight storage or parking of vehicles shall not be permitted in the customer parking area. (CODE ENFORCEMENT)

C. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. The fifteen (**15**) foot wide landscape buffer along North Fairgrounds Road shall meet the following minimum standards at time of installation:
 - a. one fourteen (**14**) foot tall tree twenty (**20**) feet on center; and
 - b. thirty-six (**36**) inch high hedge material to be maintained at a minimum height of forty-eight (**48**) inches. (BUILDING-Zoning)
2. The existing pavement within the additional 25 foot right-of-way for North Fairgrounds Road shall be removed and replaced with sod concurrence with the improvements required above (Condition C.1.). (BUILDING-Zoning)

D. PERIMETER SCREENING FOR STORAGE AREA

1. Screening of the proposed storage area shall consist of the following:
 - a. A six (**6**) foot high solid opaque fence. The existing six (**6**) foot high chain link fence may be used along the east and west property lines if relocated on site. Opaque slat inserts shall be installed in the chain link fence.
 - b. The exterior side of the fence shall be landscaped with twenty-four (**24**) inch high hedge material planted twenty-four (**24**) inches on center.

- c. One twelve (12) foot tall tree shall be planted thirty (30) feet on center along the exterior side of the required fence. (BUILDING-Zoning)
2. All landscaping and buffering required above (Conditions C.1., C.2. and D.1.) shall be installed prior to August 1, 1996. (MONITORING-Building/Zoning)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING)
2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for Fairgrounds Road, **80** feet north of the existing south right of way line of Fairgrounds Road. Property owner 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. (BUILDING - Engineering)
3. 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, Zoning Petition Number 91-44(A), to be paid at the time of issuance of the Building Permit presently is \$6,105.00 (111 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. HEALTH

1. In order to comply with Chapter 62-710 FAC and Chapter 376.302 F. S. and to prevent toxic or hazardous materials such as transmission fluids, oils, acids, gas and coolants from contaminating soil and groundwater, the car drop/staging areas where vehicles are stored for preparation shall be paved with an impervious surface. A pollution monitoring and control program acceptable to the Palm Beach County Public Health Unit shall be required prior to final site plan approval. (HEALTH)
2. Generation and disposal of any hazardous effluent into sanitary sewage systems shall be prohibited unless adequate pretreatment facilities approved by the Florida Dept. of Environmental Protection (FDEP) and Agency responsible for sewage works are constructed and used by project tenants or owner's generating such effluent. (HEALTH)
3. The facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil. (HEALTH)
4. Any toxic or hazardous waster generated at this site shall be properly handled and disposed of in accordance with Chapter 62-30 FAC. (HEALTH)

G. SIGN

1. Point of purchase sign on North Fairgrounds Road 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);
- d. Style - monument style only. (BUILDING)

H. COMPLIANCE

- 1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition **of** entitlement density or intensity.

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** Conditional Use, 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. (MONITORING)