

RESOLUTION NO. R-2007- 1239

RESOLUTION APPROVING ZONING APPLICATION CA2007-200  
(CONTROL NO. 1996-042)  
CLASS A CONDITIONAL USE  
APPLICATION OF 6620 LAKESIDE ROAD LLC  
BY PERRY & TAYLOR, P.A., AGENT  
(PALM BEACH TRANSPORTATION COMMUNICATION CENTER)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2007-200 was presented to the Board of County Commissioners at a public hearing conducted on July 10, 2007 and July 26, 2007; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 2.E (Monitoring) 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 has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.

6. 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.
7. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. 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.
9. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application CA2007-200, the application of 6620 Lakeside Road LLC, by Perry & Taylor, P.A., agent, for a Class A Conditional Use to allow a Dispatching Office and to allow General Repair and Maintenance in the General Commercial 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 July 26, 2007, 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 Santanaria and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
District 3	-	
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 26, 2007.

Filed with the Clerk of the Board of County Commissioners on 10th day of July, 2007.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY


SHARON R. BOCK,  
CLERK & COMPTROLLER  
BY:   
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

Parcel Identification Number: 00-42-43-27-19-000-0062

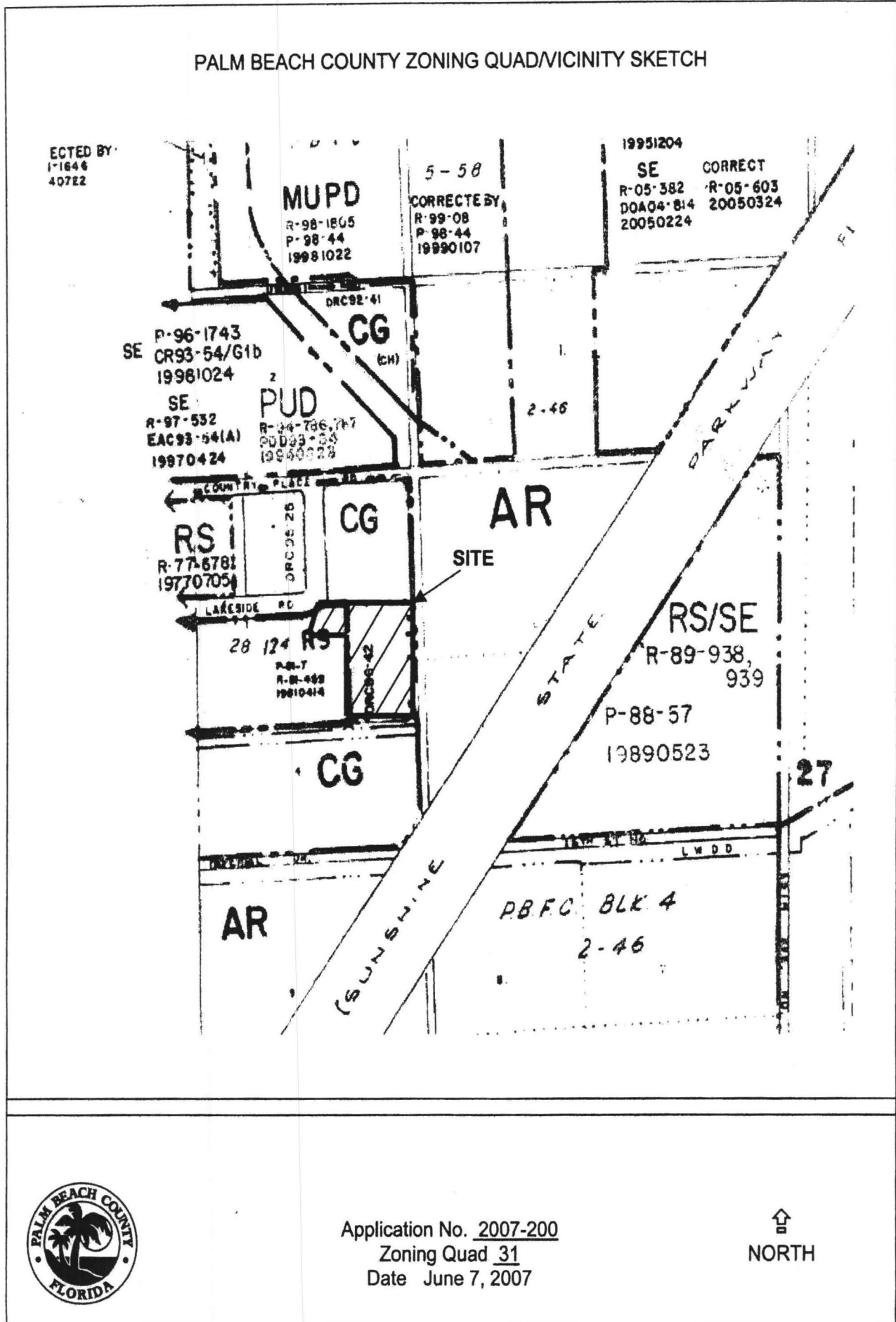
Parcel 1:

The East 274.80 feet of Tract "Z" of Plat #2 of PALM BEACH COUNTY INDUSTRIAL PARK, recorded in Plat Book 28, Page 124 of the Public Records of Palm Beach County, Florida, less the North 375 feet thereof; TOGETHER WITH an easement for ingress and egress to and from Lakeside Road over, across and upon the following described property: Commencing at the Southwest corner of Tract "Z" of Plat #2 of Palm Beach County Industrial Park, recorded in Plat Book 28, Page 124 of the Public Records of Palm Beach County, Florida, thence run, Easterly along the South line of said Tract "Z", a distance of 123.20 feet; thence run Northerly along a line parallel to and 274.80 feet Westerly from the East line of said Tract "Z", a distance of 427.50 feet to the Point of Beginning for the herein described 25-foot wide Ingress, egress easement, lying 15 feet North and 10 feet South of the following described line; from the Point of Beginning run Westerly along the center line of Lakeside Road, extended, a distance of 105.74 feet to the easterly right-of-way line of said Lakeside Drive, which easement was granted in Warranty Deed recorded in O.R. Book 2839, Page 1604 of the Public Records of Palm Beach County, Florida.

Parcel 2:

The North 60 feet of Lot 14, as measured along the Easterly line thereof, Plat of Feather Rock, according to the Plat thereof, recorded in Plat Book 44, Pages 37 and 38 of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



Application No. 2007-200  
Zoning Quad 31  
Date June 7, 2007



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated April 19, 2007. 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. (DRO: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the approved DRO site plan. This condition shall apply if the Architectural renovations exceed the thresholds established within Article 1.E. (DRO: ARCH REVIEW - Zoning)
2. The property owner and/or applicant shall amend the interior floor plan to install a floor to ceiling wall separating the general repair and maintenance use within the building, to comply with supplemental use regulations of a 100-foot separation from residential property lines. (BLDG PERMIT: BLDG – Zoning)
3. A maximum of two (2) bay doors shall be permitted on site. (ONGOING/BLDG PERMIT: BLDG – Zoning)

#### ENGINEERING

1. No Engineering Conditions.

#### HEALTH

1. Prior to the issuance of a building permit, the property owner shall submit to the Palm Beach County Health Department a written Hazardous Material plan that addresses the procedure to prevent any Hazardous Waste from entering into the onsite sewage treatment and disposal system (OSTDS). (BLDG PERMIT: MONITORING-Health)
2. Prior to the issuance of a building permit, the property owner shall apply for and obtain a permit for an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. (BLDG. PERMIT: MONITORING-Health)

#### LANDSCAPE - STANDARD

1. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit an Alternative Landscape Plan to the Landscape Section for review and approval for the foundation planting, the right-of-way buffer along the east property line and the incompatible buffer along the west property line. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)
2. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE – Zoning)
3. Prior to December 31, 2007, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)
  4. Prior to December 31, 2007, the property owner shall complete the installation of landscape materials around the generator area. (DATE: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH, SOUTH AND EAST PROPERTY LINES (ABUTTING NON RESIDENTIAL USES)

5. Landscaping along the north, south and east property lines shall be upgraded to include:
  - a. one (1) native canopy tree for each twenty (20) linear feet of the property line; the size and quantity of plant materials shall be finalized prior to final approval by the Development Review Officer (DRO), subject to review and approval by the Landscape Section. (DRO: LANDSCAPE-Zoning)

LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

6. Pursuant to the landscape cross section dated July 20, 2007 landscaping along the west property line shall be upgraded on the Alternative Landscape plan to include:
  - a. the existing ten (10) foot wide buffer shall be expanded to a minimum width of fifteen (15) feet except in areas where the parking and terminal islands are located;
  - b. shall include an eight (8) foot concrete panel wall. The wall shall be installed on the inside edge of the buffer except adjacent to the existing parking where the wall will be seven and one half (7.5) feet from the property line. This wall shall be insulated with noise reduction materials, such as polystyrene or similar insulation products, acceptable to the Building Division;
  - c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
    - 1) Tree height: Fourteen (14) feet;
    - 2) Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
    - 3) Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length;
  - d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.
  - e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum of twenty-four (24) inches at installation and to be planted on both sides of the panel wall. Credit may be given for existing or relocated shrubs provided they meet current ULDC requirements;
  - f. Acrea palms install a minimum of six (6) feet in height spaced twenty-four (24) inches on center; and,
  - g. the size and spacing of plant materials listed within this condition may be adjusted to accommodate existing plant material or site conditions, subject to review and approval by the Landscape Section. (DRO: LANDSCAPE-Zoning)

**NOISE**

1. The maximum sound levels shall be as follows:

- a. Monday through Friday shall comply with Table 5.E.4.B-14, Maximum Sound Levels
  - b. Saturday and Sunday shall not exceed 50db. (ONGOING: CODE ENF – Zoning)
2. Prior to final approval of the site plan, the applicant/owner shall provide the Zoning Director with a letter clarifying the ability to turn off of the backup alarm. (DRO: ZONING – Zoning)
  3. The Zoning Staff shall provide a Status Report to the BCC on January 24, 2008 on any operational issues raised by the surrounding residential neighborhood. (DATE: ZONING – Zoning)

#### SIGNS

1. Freestanding signs fronting on road on east side of property shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - sixty (60) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only;
  - e. location - east side of property; and,
  - f. sign shall be limited to identification of tenant only. (BLDG PERMIT: BLDG - Zoning)

#### SITE DESIGN

1. Prior to final plan approval by the Development Review Officer, the site plan shall be revised to eliminate the ingress/egress from Lakeside Drive. The wall shall be located to maintain the 2 parking spaces. The remaining pavement shall be removed and sodded. (DRO: ZONING - Zoning)
2. Prior to final plan approval, the site plan shall be amended to reflect the staging area along the eastern property line of the site for all vehicles leaving the site after 11:00 PM and returning to the site prior to 6:00 AM. Vehicles leaving the site prior to 4:00 A.M. will be staged in the southeast corner of the site with vehicles leaving after that time progressing north and the west into the site. All vehicles parked along the southern and eastern property lines shall be backed in. (DRO: ZONING – Zoning)
3. The property owner and/or applicant may apply for a Business Tax Receipt concurrent with the application for final site plan approval. The Business Tax Receipt may be issued prior to final site plan approval provided signoffs are obtained from the Zoning Division, Fire Marshall and Code Compliance. The applicant shall comply with all site improvements and conditions associated with this approval by December 31, 2007. (DATE: Zoning-Zoning)

#### USE LIMITATIONS

1. Vehicular repair and maintenance activities shall only be allowed indoors and in the area of the building indicated on the site plan, including deliveries,
  - a. Dispatching
    - 1) Monday – Friday 4:00 AM – 11:00 PM
    - 2) Saturday 4:00 AM – 11:00 PM
    - 3) Sunday 4:00 AM – 11:00 PM
    - 4) any vehicle return after 11:00 PM will return to the Florida Mango facility

- b. General Repair
    - 1) Monday – Friday 7:00 AM – 11:00 PM
    - 2) Saturday 7:00 AM – 5:00 PM
    - 3) Sunday Prohibited
  - c. Air Guns
    - 1) Monday –Friday 7:00 AM – 9:00 PM
    - 2) Saturday 7:00 AM – 5:00 PM
    - 3) Sunday Prohibited. (ONGOING: CODE ENF - Zoning)
2. All air compressors shall be located and used indoors. (ONGOING: CODE ENF – Zoning)
  3. The General Repair use is limited to preventive maintenance, tire repair/replacement, oil changes, brake repair, A/C, radiator repair, etc. No paint and bodywork shall be permitted on site. (ONGOING: CODE ENF – Zoning)
  4. Limousine or taxi dispatching use is prohibited from this site: (ONGONG: CODE ENF – Zoning)
  5. There shall be no use of outdoor speakers or sound systems. (ONGOING: CODE ENF – Zoning)

**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 Code Enforcement Special Master 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)