

RESOLUTION NO. R-2010- 2051

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2009-03925  
(CONTROL NO. 1997-00110)  
a Development Order Amendment  
APPLICATION OF Packer Family Ltd Partnership  
BY Johnston Group Land Development Consultants, Inc., AGENT  
(PLFP Okeechobee Parcel)

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 notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/EAC-2009-03925 was presented to the Board of County Commissioners at a public hearing conducted on December 9, 2010; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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 DOA/EAC-2009-03925, the petition of Packer Family Ltd Partnership, by Johnston Group Land Development Consultants, Inc., agent, for a Development Order Amendment to allow modification Conditions of Approval (Automobile Truck and Sale). in the CG 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 December 9, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on December 9, 2010.

Filed with the Clerk of the Board of County Commissioners on December 15th, 2010

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK





EXHIBIT A  
LEGAL DESCRIPTION

LOTS 11 THROUGH 20, INCLUSIVE, BLOCK 3, OF THE AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK A, WEST GATE ESTATES AS RECORDED IN PLAT BOOK 9, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTHERLY 12 FEET THEREOF FOR ROAD RIGHT-OF-WAY FOR OKEECHOBEE BOULEVARD PER ORDER OF TAKING AS SHOWN IN OFFICIAL RECORD BOOK 7201, PAGE 1037 AND OFFICIAL RECORD BOOK 7346, PAGE 146 OF SAID PUBLIC RECORDS.

CONTAINING 0.608 ACRES (26,500 SQUARE FEET) MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ACCESS

1.Vehicular access to the site shall be prohibited from Shawnee Avenue. (DRC: ZONING) (Previous condition B.1. Resolution R-98-1310 Control 1997-110)

#### ALL PETITIONS

1.All previous conditions of approval applicable to the subject property, as contained in Resolution R-1983-1310 (Control 1997-110), have been consolidated as contained herein.

The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Development of the site shall be generally consistent with the preliminary site plan dated 10/13/2010, and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO.

All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning )

#### ARCHITECTURAL REVIEW

1.The proposed one story building shall be designed and constructed to be consistent with the facade elevations by David Porter Associates dated May 28, 1998. (BLDG PERMIT: BLDG - Zoning) (Previous condition C.1. of Resolution R-98-1310 Control 1997-110)

2.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) (Previous condition C.2. of Resolution R-98-1310 Control 1997-110)

3.All air conditioning and mechanical equipment 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) (Previous condition C.3. of Resolution R-98-1310 Control 1997-110)

4.The maximum height for the proposed one story building, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty (20) feet. (BLDG PERMIT: BLDG - Zoning) (Previous condition C.4. of Resolution R-98-1310 Control 1997-110)

#### DRO

1.Any proposed permitted-by-right use in the General Commercial Zoning District, shall be reviewed and approved by the Development Review Officer. (ONGOING-DRO-Zoning).

#### ENGINEERING

1.Previous Condition E.1. of R-1998-1310, Control No. 1997-110, which currently states: Prior to the issuance of a building permit the developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

Prior to the issuance of a building permit the developer shall combine the subject property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)



## HEALTH

1. Previous condition F.1. of Resolution R-98-1310; Control 1997-110 which reads:

Generation and disposal of any hazardous effluent into sanitary sewer shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants and owners generating such effluent. (ONGOING: HEALTH-Code enf)

Is hereby amended to read:

Owners and operators of facilities generating toxic, hazardous, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are used. (ONGOING: CODE ENF- Health)

## LANDSCAPE - GENERAL

1. Fifty (50) percent of all 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)(Previous condition G.1. of Resolution R-98-1310 Control 1997-110)

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)(Previous condition G.2. of Resolution R-98-1310 Control 1997-110)

## LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD)

1. Landscaping along the Okeechobee Boulevard frontage shall be upgraded to include:

- a. One (1) canopy tree planted every thirty (30) feet on center;
- b. One (1) booted Sabal Palm for each thirty (30) linear feet of frontage with a maximum spacing of eighty (80) feet between clusters. A group of three or more palms may not supersede the requirement for a canopy tree in that location; 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. (CO: LANDSCAPE) (Previous condition H.1. of Resolution R-98-1310 Control 1997-110)

## LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (SHAWNEE AVENUE)

1. Landscaping along the Shawnee Avenue frontage shall be upgraded to include:

- a. One (1) canopy tree planted every thirty (30) feet on center;
- b. One (1) booted Sabal Palm for each thirty (30) linear feet of frontage. A group of three or more palms may not supersede the requirement for a canopy tree in that location; 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 sixty (60) inches. (CO: LANDSCAPE) (Previous condition I.1. of Resolution R-98-1310 Control 1997-110)

## SIGNS

1. The existing billboard and the two existing twenty-five (25) foot high pylon signs shall be removed on or before August 1, 2002. No administrative time extensions shall be allowed. The two freestanding signs may be replaced subject to permitted sign heights and sign face area as allowed by the Sign Code in effect at that time. (DATE/MONITORING: CODE ENF/ZONING) (Previous condition J.1. of Resolution R-98-1310 Control 1997-110)

2. Wall signage shall be limited to the north facade only. (BLDG PERMIT: BLDG - Zoning) (Previous condition J.2. of Resolution R-98-1310 Control 1997-110)

## USE LIMITATIONS-AUTOMOBILE AND TRUCK SALES

1. Previous Condition No. D. 1. of Resolution No. R-1998-1310, Control No. 1997-110 which currently states:

Use of the site shall be limited to the sale of automobiles and trucks. A maximum of fifty (50) vehicles shall be stored on the site at any time. (ONGOING: CODE ENF)

Is hereby amended to read:

A maximum of fifty (50) vehicles shall be stored on the site at any time. (ONGOING: CODE ENF)

2. Display and Inventory vehicles shall be parked only in the areas designated on the May 28, 1998 site plan. (ONGOING: CODE ENF - Zoning) (Previous condition D.2. of Resolution R-98-1310 Control 1997-110)

3. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF) (Previous condition D.3. of Resolution R-98-1310 Control 1997-110)

4. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous condition D.4. of Resolution R-98-1310 Control 1997-110)

5. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF - Zoning) (Previous condition D.5. of Resolution R-98-1310 Control 1997-110)

6. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning) (Previous condition D.6. of Resolution R-98-1310 Control 1997-110)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)