

RESOLUTION NO. ZR-93-1

RESOLUTION APPROVING-ZONING PETITION **CB93-07**
CLASS B **CONDITIONAL** USE
PETITION OF OSCAR K. JOHNSON

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and-empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **CB93-07** was presented to the Zoning Commission at a public hearing conducted on May 6, 1993; and

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning **Commission** made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate **portions** of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class B Conditional Use, with conditions **as adopted**, is compatible as defined in the Palm Beach county 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 B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse **effects**, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B **nd** Conditional Use has a concurrency reservation and therefore complies with Art.- 11, Adequate Public Facility Standards.

9. This Class B 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 B Conditional** Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use approval is contingent upon the subsequent approval by the Board of County Commissioners of a rezoning of the subject property from AR to AGR. Should the subject rezoning be denied or withdrawn for any reason, this Conditional Use B approval shall be null and void.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **CB93-07**, the petition of OSCAR K. JOHNSON for a CLASS B CONDITIONAL USE allowing agricultural sales and service in the AGR 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 May 6, 1993, contingent upon approval of appropriate zoning and subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Behrman moved for the approval of the Resolution.

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

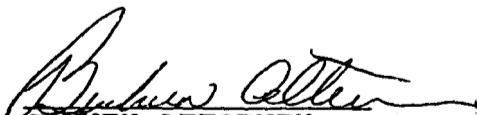
Allen J. Kaplan, Chair	--	yes
Sherry L. Hyman	--	yes
Phnil Leslie	--	yes
Frank Behrman	--	yes
Kevin Foley	--	yes
Mark A. Guzzetta	--	yes
Al Miller	--	yes

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of May, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSION
CHAIR

BY:


COUNTY ATTORNEY

BY:

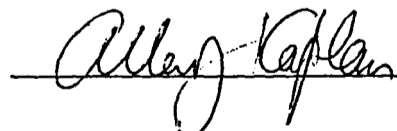


EXHIBIT "A"

LEGAL DESCRIPTION:


A parcel of land in Section 1, Township 46 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 1; thence North $00^{\circ} 39' 00''$ West along the East line of said Section 1 (the East line of said Section 1 is assumed to bear North $00^{\circ} 39' 00''$ West and all other bearings are relative thereto) a distance of 2232.20 feet to a point; thence South $89^{\circ} 53' 00''$ West a distance of 80.81 feet to a point on the West right-of-way line of State Road No. 7 as shown on Florida Department of Transportation right-of-way map 93210-2101 and the Point of Beginning of the hereinafter described parcel; thence South $89^{\circ} 53' 00''$ West a distance of 1244.42 feet to a point; thence North $00^{\circ} 51' 57''$ West a distance of 351.16 feet to a point; thence North $89^{\circ} 59' 02''$ East a distance of 1244.45 feet to a point on said West right-of-way line of State Road No. 7; thence South $00^{\circ} 51' 57''$ East along said right-of-way line, a distance of 348.98 feet to the Point of Beginning.

Containing in all 10.00 acres, more or less.

Wallace Surveying Corporation

Date: 7/15/93



Craig L. Wallace
Professional Land Surveyor
Florida Certificate No. 3357

EXHIBIT B
VICINITY SKETCH

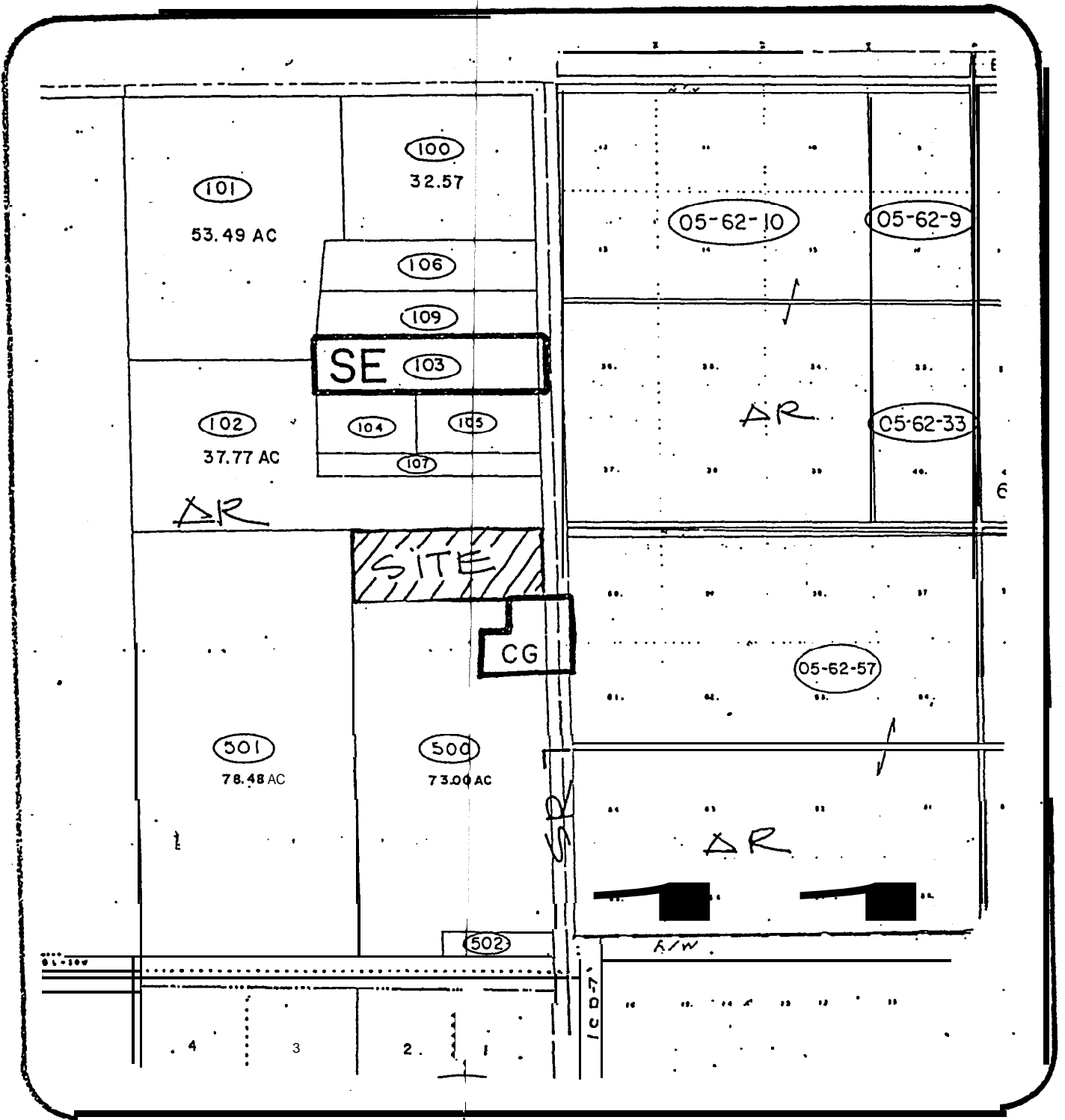


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. No machinery or vehicle maintenance or repair shall be performed on the **subject** property. (ZONING)
2. The minimum setback **for** all structures adjacent to the east property line shall be one hundred (100) feet, measured from the **ultimate** right-of-way of State Road 7. (BUILDING)
3. Prior to June 30, **1994**, the property owner shall record, in the public records of Palm Beach County, a plat of the subject property pursuant to requirements of the Palm Beach County Unified Land Development Code. No administrative time extensions shall be granted to this condition. (MONITORING)
4. Use of the subject property is limited to the uses and design as indicated **in** the certified site plan. The portion of the site **not** indicated to be developed shall, be limited to agricultural production. (ZONING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored regulated substances (including, but not limited to fuels, oils and other hazardous chemicals) is required. The Department of Environmental **Resources** Management is willing to provide guidance on **appropriate** protective measures. (BUILDING/ERM)

C. HEALTH

1. The application and engineering plans to construct a limited use **drinking** water **supply** system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee.. (HEALTH)
2. The application and engineering plans to construct an **on-site** wastewater disposal system must be submitted to the Health Unit prior **to** site plan approval by the Development Review Committee. (HEALTH)
3. Use of the site shall **be** limited to 30,000 square feet of warehouse for the wholesale storage and distribution of agricultural related **products** or materials and shall not manufacture, **fabricate** or assemble any products on site. (ZONING/HEALTH)

D. RECYCLE SOLID WASTE

1. The property owner, **lessee** and operator shall participate **in** a recycling program when available in the area. Material to be **recycled** shall include, but not be limited to, paper, plastic, **metal** and glass products. (SWA)

E. ENGINEERING

1. Prior-to approval by ~~the~~ DRC ~~Committee for the~~ proposed site ~~plan~~ the site shall be redesigned such that all Zoning and Land Development Codes are met after- the ultimate right-of-way taking for State 'Road 7 has been accomplished. (ENGINEERING)

F. SIGNS

1. Point of purchase signs fronting on State Road 7 (US HWY . 441) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Maximum number of signs - one (1). (BUILDING)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance, to minimum Landscape Code requirements and all /landscape conditions of approval. (ZONING)
2. All 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. (ZONING)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required buffer along the east property shall be upgraded to include:
 - a. One (1) native canopy tree planted every twenty (20) feet on center;
 - b. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)