

RESOLUTION NO. Z-R-94-05

RESOLUTION APPROVING ZONING PETITION **CB94-38**
CLASS B CONDITIONAL USE
PETITION OF RONNIE PERTNOY, TRUSTEE

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 **CB94-38** was presented to the Zoning Commission at a public hearing conducted on August 4, 1994; 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 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.

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 CB94-38, the petition of RONNIE PERTNOY, TRUSTEE for a CLASS B CONDITIONAL USE allowing a GUN CLUB, ENCLOSED in the General Commercial (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 August 4, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

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

Al Miller, Vice Chair	--	Yes
Kim Anderson	--	Yes
Otelia Dubose	--	Yes
Mark Foley	--	Yes
Sherry Hyman	--	Yes

The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of August, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

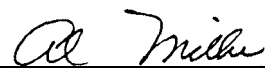
BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

Being all of Atlantic Commercial Park lying in Section 24, Township 43 South, Range 42 East, Palm Beach County, Florida; as recorded in Plat Book 28, Page 89, Palm Beach County, Public Records, also, Two Parcels for access to Military Trail as follows:
Containing 6.75 acres, more or less.

PARCEL A:

Lot 10, less the West 20 feet and less the South 83 feet, Suburban Homesites, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18, Page 20.
Containing 0.3011 acres, more or less.

PARCEL B:

The South 60 feet of the West 270 feet of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 24, Township 43 South, Range 42 East, less the West 50 feet thereof, Palm Beach County, Florida.
Containing 0.2945 acres, more or less.

Excepting therefrom Two Parcels of land described as follows:

PARCEL 1:

The South 3 14 feet, of the East Half of the East Half, of the West Half, of the Southwest Quarter, of the Southeast Quarter, Section 24, Township 43 South, Range 42 East, Palm Beach County, Florida, less Okeechobee Road, Right-of-Way.

PARCEL 2:

A parcel of land lying in Atlantic Commercial Park, Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 28 Page 89 Public Records of Palm Beach County, Florida, more particularly described as follows:

Commencing at the Intersection of the South line of Section 24, Township 43 South, Range 42 East with the Southerly extension of the West line of said Atlantic Commercial Park; Thence on an assumed bearing of North 0° 44' 21" East along said extension a distance of 75 feet to the North Right-of-Way line of Okeechobee Road (Blvd.) and the Point of Beginning; Thence continue North 0° 44' 21" East, along the West line of said Atlantic Commercial Park, a distance of 239 feet; Thence due East, a distance of 168.58 feet; Thence South 0° 43' 45" West, a distance of 236.42 feet to a point in the North Right-of-Way line of Okeechobee Road (Blvd.), said Right-of-Way line being a curve concave to the South and having a radius of 5654.65 feet; Thence Westerly, along the Arc of said curve and through an Angle of 1° 42' 32", a distance of 168.67 feet to the Point of Beginning.

Total Acreage= 7.3456 acres, more or less.

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL SITE CONDITIONS

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the east and north property lines and shall be confined to areas designated on the site plan. (BUILDING-Zoning)
2. The petition shall, prior to certification of a Final Site Plan by the Development Review Committee, obtain a shared parking permit or variance relieving the petitioner of the minimum parking requirements of Section 7.2 of the ULDC. (ZONING)

B. USE LIMITATION

1. The indoor gun range shall be limited to 15,550 square feet. Additional square footage may be permitted pursuant to Section 5.F.13 (Minor Deviations) (BUILDING/ZONING)
2. No outdoor loudspeaker system audible off site shall be permitted'. (CODE ENFORCEMENT)
3. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of the facility. (CODE ENFORCEMENT)
4. No outdoor retail business activities shall be allowed on the site, excluding deliveries. (CODE ENFORCEMENT)
5. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (CODE ENFORCEMENT)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing **onsite** sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)
3. No melting or processing of lead shall take place **onsite**. (HEALTH)
4. The shooting area shall not have floor drains for wash down to public sewer. (HEALTH)
5. Prior to final site plan approval by the Development Review Committee, information pertaining to the type of exhaust filters that will be used shall be provided to the Palm Beach County Public Health Unit for approval. The filters proposed for use shall be approved by the National Rifle Association. (HEALTH)

D. LANDSCAPING - INTERIOR

1. Prior to certification of a Final Site Plan by the Development Review Committee one (1) landscape terminal island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred twenty (120) linear feet. (Note: effected area shown on site plan only) (ZONING)
2. Prior to the issuance of the Occupational License for the indoor gun range, all landscape terminal islands shall be planted and irrigated pursuant to Section 7.3 of the ULDC. (Note: effected area shown on site plan only) (ZONING/OCCUPATIONAL LICENSE)

E. ENGINEERING

1. Prior to certification of a final site plan by the Development Review Committee, the Petitioner shall either meet the minimum parking requirements, or submit and have approved by County Engineering and the Palm Beach County Zoning Director a revised Shared Parking Study, or receive a variance from the parking regulations from the Board of Adjustment. (ENGINEERING/ZONING)

F. RECYCLE SOLID WASTE

1. Prior to site plan certification, an area for the placement of receptacles for recycled material shall be designated on the site plan, located in the parking areas or adjacent to the dumpster locations. (ZONING)

G. 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)