

RESOLUTION NO. ZR-94-10

RESOLUTION APPROVING ZONING PETITION **CB94-70**
CLASS B CONDITIONAL USE
PETITION OF JOHN VAN LENNEP

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **CB94-70** was presented to the Zoning Commission at a public hearing conducted on December 1, 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards, of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This **Class B** 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 B Conditional Use, with conditions as adopted, complies with the 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 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 Article 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 Unified 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 **CB94-70**, the petition of JOHN VAN LENNEP for CLASS B CONDITIONAL USES **allowing** LANDSCAPE MAINTENANCE SERVICE in the AGRICULTURAL RESERVE (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 December 1, 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.

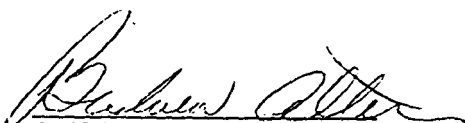
The motion was seconded by Commissioner Kaplan and, upon being put to a vote, the vote was **as** follows:

Mark Guzzetta, Chair	--	Yes
Allen Kaplan	--	Yes
Frank Barbieri	--	Yes
Dr. Otelia Dubose	--	Yes
Kevin Foley	--	Absent
Sherry Hyman	--	Yes
Al Miller	--	No

The Chair thereupon declared that the resolution was duly passed and adopted this 1st day of December, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSION

BY: 
COUNTY ATTORNEY

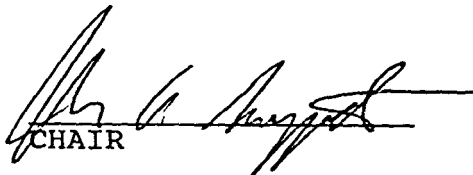
BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

LOTS 18 THROUGH 31, OF BLOCK 1, ATLANTIC PARK, 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 14, PAGE 1.

AND

ALL OF BLOCK 2, ATLANTIC PARK, 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 14, PAGE 1, LESS AND EXCEPTING THE WEST 13.43 FEET THEREOF.

AND

THE WEST HALF OF THE 30 FOOT RIGHT OF WAY FOR SECOND STREET ABANDONED BY BOARD OF COUNTY COMMISSIONERS OF PALM BEACH RESOLUTION NO P-85-126 LYING EAST OF AND ADJACENT TO THE ABOVE DESCRIBED BLOCK 2, ATLANTIC PARK.

AND

THE EAST HALF OF THE 30 FOOT RIGHT OF WAY FOR SECOND STREET ABANDONED BY BOARD OF COUNTY COMMISSIONERS OF PALM BEACH RESOLUTION NO P-85-126 LYING WEST OF AND ADJACENT TO THE ABOVE DESCRIBED LOTS 18 THROUGH 31, OF BLOCK 1, ATLANTIC PARK.

EXHIBIT B
VICINITY SKETCH

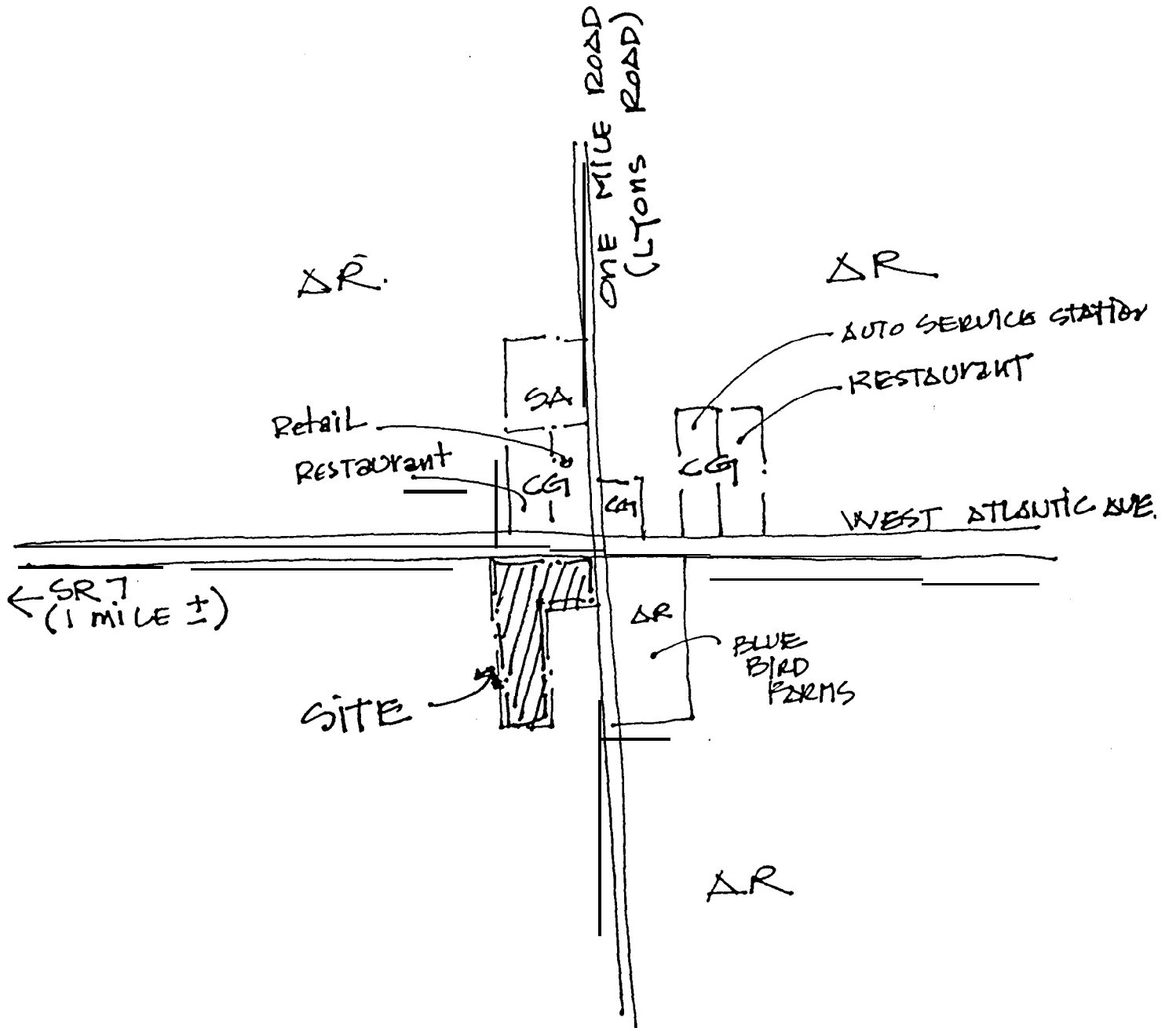


EXHIBIT C

CONDITIONS OF APPROVAL

A. ACCESS

1. Vehicular access to the site shall be prohibited from Third (3rd) Street and Forest Avenue. (BUILDING-Zoning)

B. LANDSCAPING - STANDARDS

1. 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. (BUILDING-Zoning)

C. LANDSCAPING ALONG THE NORTH AND PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required fifteen (15) foot buffer along West Atlantic Avenue shall be upgraded to include:

- a. One canopy tree planted every twenty (20) feet on center.
- b. One palm tree for each twenty (20) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
- c. Twenty-four inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

2. All landscape requirements shall be installed prior to February 1, 1996. (MONITORING)

D. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to the Lake Worth Drainage District the south 75 feet of the north 103 feet of that portion of section 19, township 46 south, range 42 east the required right-of-way **for** Lateral Canal No. 34, by Quit Claim Deed or an Easement Deed in the form provided by said District. This right of way dedication shall be completed prior to issuance of any further building permits. (MONITORING - Lake Worth Drainage District).

2. Prior to Site Plan approval the property owner shall enter into a Removal Agreement with Palm Beach County for any existing structures which are currently located within the ultimate rights of way for Lyons Road or West Atlantic Avenue. Dedication of the ultimate right of way for Lyons Road and West Atlantic Avenue shall be completed within 90 days of the request by the County. Right-of-way conveyance shall be 80 feet from centerline for West Atlantic Avenue and 60.5 feet from centerline for Lyons Road along the project's entire frontage, free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also include **"Safe Sight Corners"** where appropriate as determined by the County Engineer. (ENGINEERING - 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 Petition 94-70, which permits construction of a 5,246 square feet landscape maintenance service and agricultural sales and services building, to be paid at the time of issuance of the Building Permit presently is **\$2,420.00** (44 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. RECYCLE SOLID WASTE

1. The property owner 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)

G. SIGNS

1. Should existing point of purchase or freestanding signs be relocated, removed or altered, all point of purchase or freestanding signs 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)
2. No freestanding or point of purchase signs shall be permitted along One Mile Road (Lyons Road). (BUILDING)

H. USE LIMITATIONS

1. No repair maintenance or washing of vehicles, including lawn maintenance equipment, shall be permitted on site. (HEALTH/CODE ENFORCEMENT)
2. The landscape maintenance facility shall **be** limited to 2,500 square feet of building area. (ZONING/BUILDING)

I. HEALTH

1. Should utility connection not be required, the property owner shall submit an application and engineering plans upgrading the on-site sewage disposal systems (OSDS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I, and upgrading the water **supply** system in accordance with Chapter 10D-4 FAC and Palm Beach County ECR II. The application and plans must be submitted and prior to final site plan certification. (HEALTH)

J. 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)