

RESOLUTION NO.Z R-95-03

RESOLUTION APPROVING ZONING PETITION CB95-47
CLASS B CONDITIONAL USE
PETITION OF ADRIAN R. VERZAAL, SR.

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) 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 CB95-47 was presented to the Zoning Commission at a public hearing conducted on September 7, 1995; 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 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 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 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 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, with conditions as adopted, is consistent with applicable neighborhood plans.

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 **CB95-47** the petition of Adrian R. Verzaal, Sr., for a Conditional Use Class B for a Wholesale Nursery., 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 September 7, 1995, 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.

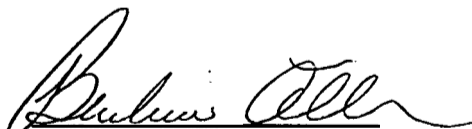
The motion was seconded by Commissioner Kaplan and, upon being put to a vote, the vote was as follows:


Al Miller, Chair	--	Aye
Allen J. Kaplan	--	Aye
Mark Guzzetta	--	b =
Frank A. Barbieri	--	Aye
Kevin Foley	--	Aye
Sherry L. Hyman	--	Aye
Mikel Jones	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 7th day of September, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

FILE:H:\WPDATA\PROD\RESO\CB

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

PARCEL 1

A PARCEL OF LAND SITUATE IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF (E. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4), LESS AND EXCEPTING THE NORTH 8.00 FEET THEREOF, AND THE SOUTH 2.00 FEET OF THE NORTH 10.00 FEET OF THE EAST 169.16 FEET THEREOF, AND THE WEST 60.00 FEET THEREOF.

LESS AND EXCEPT:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER OF SAID SECTION 2; **THENCE SOUTH 01°53'42" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 10.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°11'04" WEST ALONG THE EXISTING RIGHT OF WAY LINE OF FLAVOR-PICT ROAD PER ROAD PLAT BOOK 3, PAGE 59, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, 169.19 FEET TO A POINT ON THE WEST LINE OF THE EAST 169.16 FEET OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 2; THENCE CONTINUE SOUTH 89°11'04" WEST, 0.42 FEET; THENCE NORTH 00°48'56" WEST, 2.0 FEET; THENCE SOUTH 89°11'04" WEST AGAIN ON THE EXISTING SOUTH RIGHT OF WAY LINE OF FLAVOR-PICT ROAD REFERENCED ABOVE, 103.11 FEET TO THE EAST LINE OF THE WEST 60.0 FEET OF THE EAST HALF OF SAID NORTHEAST QUARTER (N.E. 1/4) OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE SOUTH 01°49'16" EAST ALONG SAID EAST LINE 3 1.52 FEET TO THE PROPOSED SOUTH RIGHT OF WAY LINE OF FLAVOR-PICT ROAD; THENCE NORTH 89°58'09" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 103.58 FEET TO THE WEST LINE OF THE EAST 169.16 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE CONTINUE NORTH 89°98'09" EAST ALONG THE PROPOSED RIGHT OF WAY LINE, 162.02 FEET TO A POINT; THENCE NORTH 89°11'04" EAST ALONG SAID SOUTH RIGHT OF WAY LINE AND 43.16 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (S.W. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 2.7.23 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE NORTH 01°53'42" WEST ALONG SAID EAST LINE, 33.16 FEET TO THE POINT OF BEGINNING.**

PARCEL 2

A PARCEL OF LAND SITUATE IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 123.87 FEET OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4), LESS AND EXCEPTING THE NORTH 10.00 FEET THEREOF.

LESS AND EXCEPT:

THE SOUTH 33.16 FEET OF THE NORTH 43.16 FEET OF THE WEST 123.87 FEET OF THE SOUTHEAST ONE QUARTER (S.E. 1/4) OF SAID SOUTHEAST QUARTER OF SAID SECTION 2;

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 289.362 SQUARE FEET, OR 5.725 ACRES. MORE OR LESS.

95.47

EXHIBIT B
VICINITY SKETCH

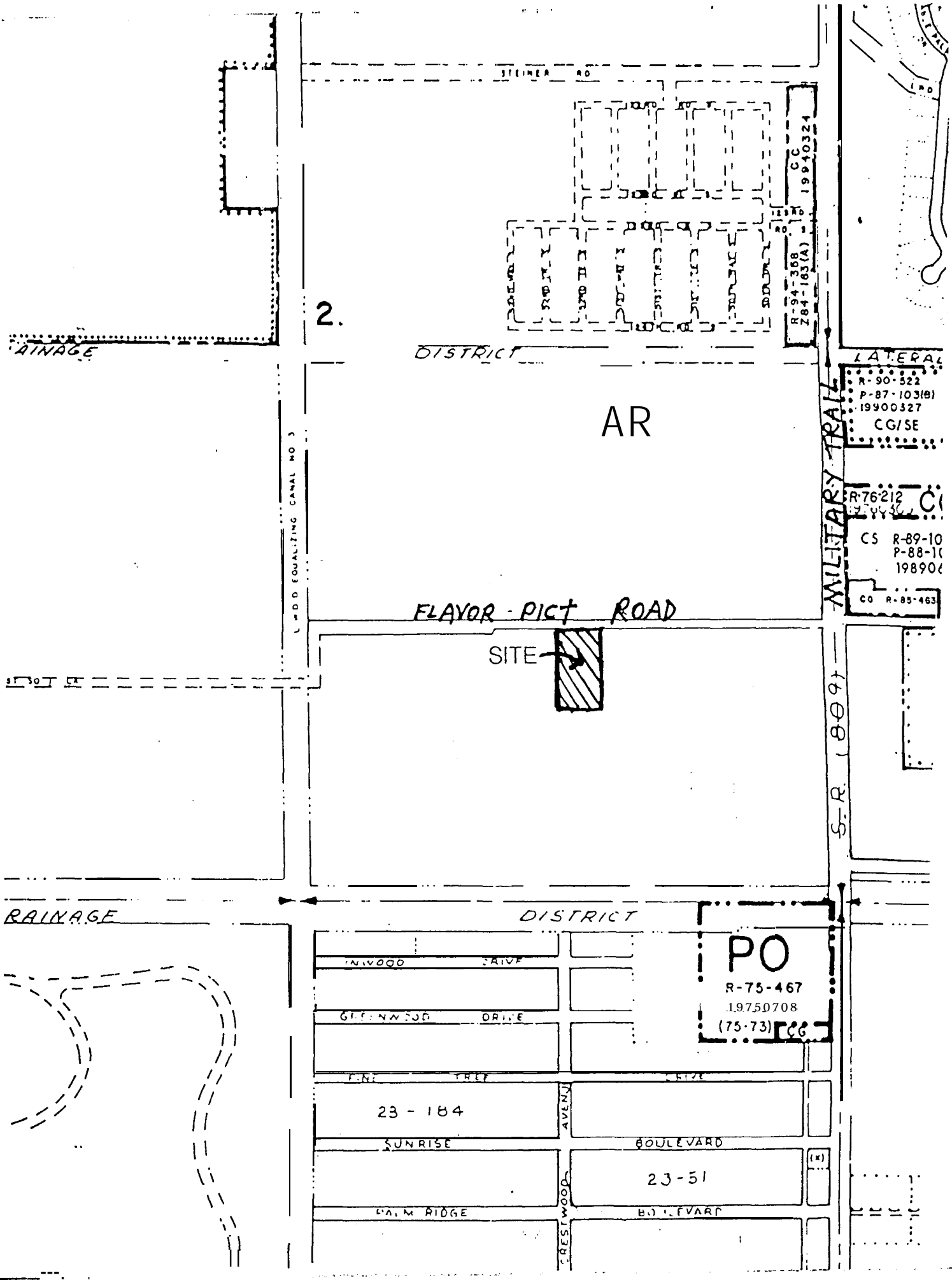


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. The maximum height for the two proposed accessory office, cooler and storage buildings shall not exceed twenty-five (25) feet measured from finished grade to highest point. (BUILDING-Zoning)
2. Loading docks and overhead bay doors shall be internally located and oriented away from any residential property lines. (BUILDING-Zoning)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier. Refrigeration equipment for the Cooler facility shall be located inside the building or completely enclosed within an adjacent structure. (BUILDING-Zoning)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred fifty (150) feet of the property lines. (BUILDING-Zoning)

C. HEALTH

1. The petitioner shall connect to public water upon availability. (HEALTH)
2. No commercial activity will take place on the property until an onsite sewage treatment and disposal system (OSTDS) is constructed, upon availability of public water, in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I. (HEALTH)

D. SIGN

1. Signage shall be limited to one (1) point of purchase sign on Flavor Pict Road with a maximum height of ten (10) feet measured from finished grade to highest point and a maximum sign face area of 100 square feet per side. (BUILDING-Zoning)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING)
2. 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 this project, Zoning Petition Number 95-47, to be paid at the time of issuance of the Building Permit presently is \$5995. (109 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPING

1. All trees within the Flavor Pict Road 15' Landscape Buffer shall be installed at a minimum fourteen (14) foot height and planted at an equivalent of one tree per ~~twenty~~ (20) linear feet of property line. (LANDSCAPE-Zoning)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

H. USE LIMITATION

1. Hours of operation/loading activities shall be limited from 7:00 a.m. to 7:00 p.m. daily and prohibits the after hours operation of refrigerated vehicles on the property. (CODE ENFORCEMENT)
2. **Repair or** maintenance of vehicles shall not be permitted on site. (CODE ENFORCEMENT)

I. COMPLIANCE

1. 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; 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.

In addition, staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of conditions of approval.

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 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 Fifteenth Judicial Circuit. (MONITORING)