

RESOLUTION NO. R-89- 341

RESOLUTION APPROVING ZONING PETITION NO. 87-109
SPECIAL EXCEPTION PETITION OF JAMES VAN SLEET

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-109, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 2, 1988; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-109, the petition of JAMES VAN SLEET, Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO (PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING RETAIL USES AND OFFICE/WAREHOUSE COMBINATION, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 83-48 ON AUGUST 15, 1983 (RESOLUTION NO. R-83-1417 ADOPTED NOVEMBER 8, 1983), on a parcel of land lying in the Southeast 1/4 of Tract 70 and Tract 71, less the East 132.00 feet of Tract 71, Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66, less the Right-of-Way for Lake Worth Road and additional road Right-of-Way, in Official Record Book 2604, Page 234, and less the North 150 feet as deeded to Palm Beach County on O.R.B. 4219, Page 1320, located on the North side of Lake Worth Road (SR 802) approximately .2 miles East of Davis Road and bounded on the North by 2nd Avenue North within the CG-General Commercial Zoning District, was approved as advertised, subject to the following

conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the project shall be modified to comply with the use regulations and minimum property development regulations of Section 610 of the Zoning Code.
3. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The required loading berths commensurate with the total square footage. The loading zones shall be located throughout the site to serve the different uses.
 - b. Required amount of parking. The site plan shall specify the number of employees on the greatest shift of employment and provide parking pursuant to this.
 - c. Required interior landscaping and appropriate tabular data which specifies the required transfer of interior landscape requirements from the specialized vehicular use areas.
 - d. Required interior islands and landscaping every 12 spaces for new construction.
 - e. Additional canopy vegetation along the perimeter of the developed areas as an effort to meet old Code, Ordinance 73-1. Trees shall be a maximum of forty (40) feet on center in their areas.
4. The developer shall reduce the square footage of the proposed structures to meet the parking, loading and interior landscaping requirements.
5. The petitioner shall relocate the dumpsters out of the loading zone or provide additional area for the loading functions pertaining to the primary uses.
6. The developer shall remove the illegal signs in the landscape strip.
7. Only one (1) satellite dish shall be permitted to be displayed on site, with no advertising allowed on the satellite dish.
8. No outside storage of disassembled vehicles or parts thereof shall be permitted on site.

9. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
10. 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 presently is \$16,592.00 (563 trips X \$29.47 per trip).
11. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$31,712.00 shall be credited toward the increased Fair Share Fee.
12. The developer shall construct a left turn lane, east approach on Second Avenue North at the project's entrance road.
13. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
14. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
15. Since water service is available to the property, a potable water well shall not be approved for water use on the property.
16. The petitioner shall designate all parking spaces located south of the two (2) southernmost buildings on Lake Worth Road as "customer parking only". The parking spaces located north of the office/warehouse buildings that are parallel with Lake Worth Road shall be designated for "employee parking only". The spaces shall be designated by pavement markings and signage subject to the approval of the Site Plan Review

Committee.

17. Petitioner shall not allow the following uses within this planned commercial development:
 - a. Any use related to the preparation or sale of food products (including grocery stores and restaurants).
 - b. Medical, chiropractic, dental and veterinary clinics (out patient only).
 - c. Financial institutions.
 - d. Building supplies (general, excluding home improvements).
 - e. Flea markets, enclosed.
18. Trees planted in perimeter landscape strip shall be a minimum of ten (10) to twelve (12) feet in height at time of planting, supplemented with shrubbery twenty-four (24) inches high and twenty-four (24) inches on center.
19. No off-premise signs shall be permitted on the site.
20. Prior to site plan certification, the petitioner shall submit a signage plan. The site shall be limited to one free standing sign, no more than twenty-five (25) feet in height, and no more than one (1) wall sign per establishment, as per the Sign Code. No roof signs shall be permitted on the site.

Commissioner Elmquist moved for approval of the petition. The motion was seconded by Commissioner Adams and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 2, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Bulatz
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK

