

ORIGINAL

RESOLUTION NO. R-92- 349

RESOLUTION APPROVING ZONING PETITION NO. 91-44
SPECIAL EXCEPTION PETITION OF SOUTHEASTERN PUBLIC SERVICE CO.

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, have been satisfied; and

WHEREAS, Petition No. 91-44 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 3, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-44, the petition of SOUTHEASTERN PUBLIC SERVICE CO., BY KEVIN MCGINLEY, AGENT, for a SPECIAL EXCEPTION TO ALLOW BULK STORAGE OF GAS AND OIL on a lease parcel of land lying in the West 309.34 feet of the East 611.88 feet of the North 575.93 feet of the South 600.93 feet of Tract 6, Block 8, PALM BEACH FARMS COMPANY, PLAT NO. 3, Section 27, Township 43 South, Range 42 East, EXCEPTING the south 25.00 feet thereof for road right-of-way purposes, and being located ON THE N SIDE OF FAIRGROUNDS RD. N., APPROX. .05 MILE E OF SR 7, IN THE IG ZONING DISTRICT, was approved on January 3, 1992, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 26) unless the proposed use

or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

3. The petitioner shall submit an application to the site plan review committee for the certification of the site plan approved by the Board of county Commissioners for this site prior to April 7, 1992.

B. ADVERTISING

1. Objects, gimmicks or advertising designed to attract the public's attention off-site shall not be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.

C. BUILDING DESIGN

1. The subject property shall be limited a maximum of 5,250 square feet of administrative office and warehouse space. Building permits for the final 1,250 square feet of the project shall only be issued upon receipt of a valid Concurrency Reservation issued from the Planning Division.
2. Maximum building height shall not exceed thirty-five (35) feet from grade.
3. All mechanical and air-conditioning equipment shall be screened from view.
4. The covered loading dock may not be enclosed or otherwise converted to any other use until a Concurrency Reservation has been issued for it.

D. DUMPSTER

1. Any dumpsters located on site shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for 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 on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
2. Prior to May 14, 1992 or prior to the issuance of the first Building Permit whichever shall first occur, the

property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Fairgrounds Road 80 feet north of the existing south right-of-way line for Fairgrounds Road free of all encumbrances and encroachments. Developer 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 at intersections as determined by the County Engineer.

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 this project at the time of the Building Permit presently is \$3,740.00 (68 trips X \$55.00 per trip).
4. Petitioner shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property which is the subject of this petition (or amendment hereto) a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program.

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The extent of any soil and groundwater contamination shall be defined and summarized in a complete Contamination Assessment Report (CAR) submitted to Environmental Resources Management (ERM) concurrent with site plan review application and approved by ERM prior to site plan certification. The assessment shall include the former underground storage tank area and the contaminated soil stockpile site.
2. A site map shall be submitted to ERM concurrent with site plan review application that identifies the former storage tank area, soil stockpile area and proposed facility features. Soil and groundwater sampling locations shall be identified on the drawing.
3. Prior to issuance of building permits, all petroleum contaminated soils located in stormwater retention areas, building or parking areas, driveways, or other areas to be covered by slabs, foundations, paving, or ex-filtration trenches, shall be removed to levels designated by the Department of Environmental Resources Management and the areas shall be backfilled with clean non-deleterious material. Petroleum contaminated soils in other areas shall be assessed and remediated in accordance with Chapter 17-770, Florida Administrative Code and Department of Environmental Regulation guidelines.
4. Remediation of contaminated groundwater shall be performed by the petitioner in accordance with Chapter 17-770, Florida Administrative Code requirements. Time frames and schedules described in the rule shall be met by the petitioner unless extensions are granted by the Department of Environment Resources Management.

5. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.
6. Plans for any underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

G. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

I. LANDSCAPING

1. All trees required to be planted along the south and east boundary lines of the subject property by this approval shall conform to the following minimum requirements at installation:
 - a. fourteen (14) feet in height;
 - b. diameter of 3.5 inches measured at a point 4.5 feet above grade;
 - c. five (5) feet of clear trunk; and
 - d. seven (7) foot canopy spread.

2. Landscaping along the south property line shall be upgraded to include:
 - a. one tree for each twenty (20) linear feet of frontage; and
 - b. thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.
3. Landscaping along the north, east and west boundary lines of the subject property shall be supplemented with one tree for each thirty (30) feet on center and twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center.
4. The width of all landscape buffer strips shall be as indicated on Exhibit No. 23 of Zoning Petition No. 91-44.

J. RECYCLE SOLID WASTE

1. The petitioner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

K. SIGN CONTROL

1. The petitioner shall be permitted a maximum of one (1) point of purchase sign on site. This sign shall be limited to a maximum of ten (10) feet in height and 100 square feet in total sign area along Fairgrounds Road North.

L. USE LIMITATION

1. The use of the site shall be exclusively for the purpose of the storage/distribution of propane gas and accessory uses. No subletting of office or warehouse space shall be allowed (See condition C.1.).

M. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- 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.
- 2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

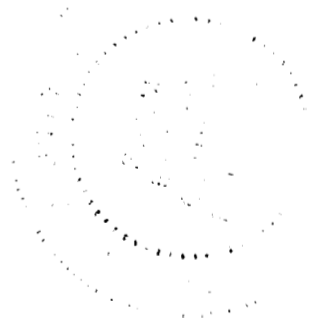
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK
Board of County Commissioners

By Joan Haverly
DEPUTY CLERK

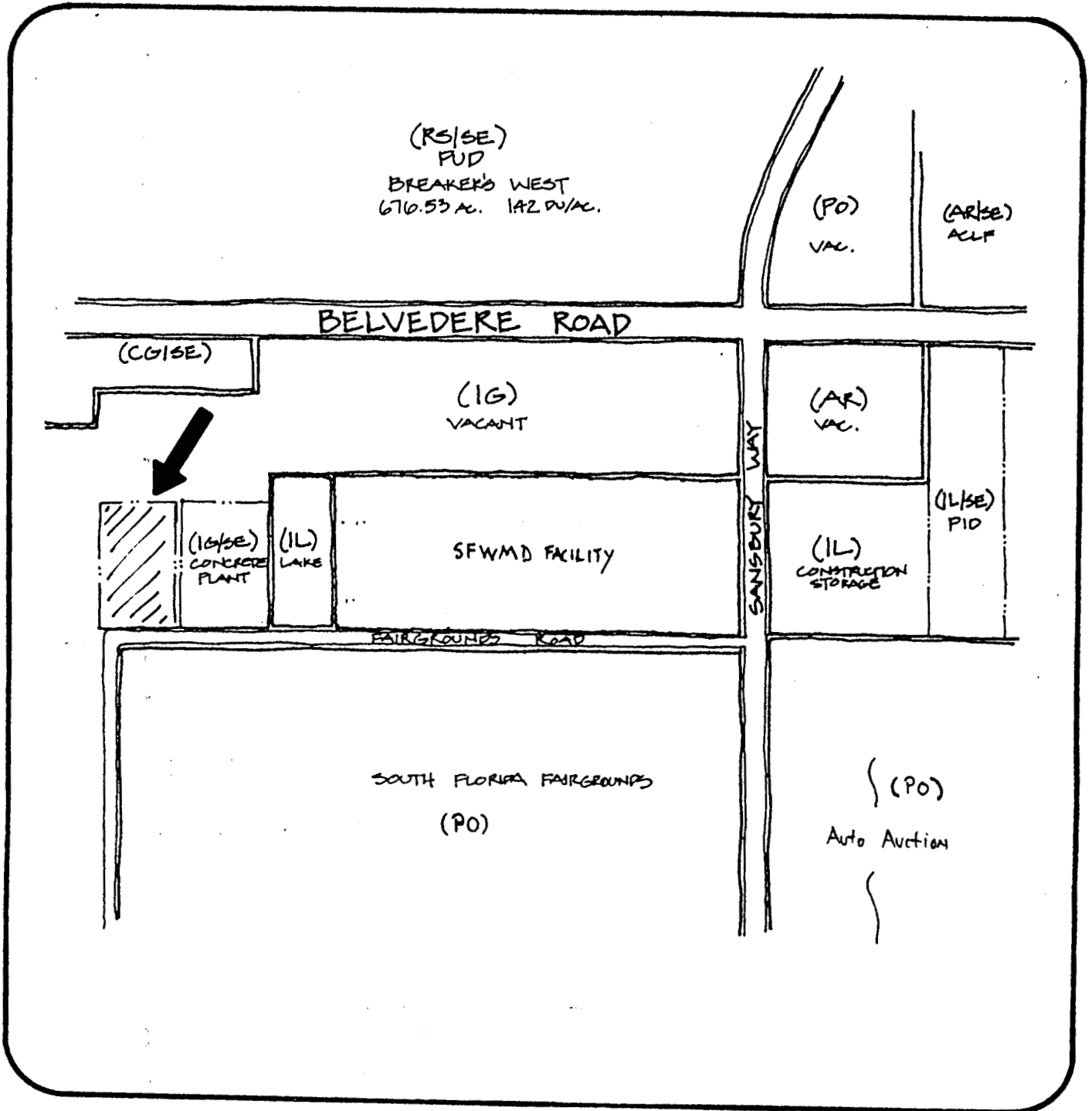
BY: [Signature]
COUNTY ATTORNEY

BY: _____
DEPUTY CLERK



Sec. 31432 Twp. 43 Rng. 42
Quadrant Sheet: 46
Aerial Page: 171

Vicinity Sketch



Request:

Special Exception to allow bulk storage of gas and oil.

PETITION NO: 91-44

BCC DISTRICT: 6