

RESOLUTION NO. R-90- 588

RESOLUTION APPROVING ZONING PETITION NO. 89-106  
SPECIAL EXCEPTION PETITION OF FLOYD A. SCHLOSSBERG

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. 89-106 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 26, 1989; 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 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, 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. 89-106, the petition of FLOYD A. SCHLOSSBERG, BY GLEN S. PERCY, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, the South 640.00 feet of the following described parcel:

The East 1/2 of Lot 1, Block 3, Model Land Company Palm Beach Plantations, Subdivision of Section 7 Township 44 South, Range 43 East, as shown on the **Plat** 10 thereof Page 20, less the following numbered parcels:

1. The South 280.00 feet of the East 150.00 feet of the above described East 1/2 of Lot 1, recorded in Deed Book 1007, Page 397.
2. The North 60.00 feet of the above described, East 1/2 of Lot 1, for Lake Worth Drainage District 'Lateral Canal No.7.
3. The East 40.00 feet of the above described East 1/2 of Lot 1, for road right-of-way purposes, Davis Road right-of-way Deed, as recorded in Official Record Book 2825, Page 26.

4. The south 60.00 feet of the above described East **1/2** of Lot 1, for Road right-of-way purposes, Forest Hill Boulevard formerly Selby Road.
5. Commence at the Northeast corner of the above described East **1/2** of Lot 1, thence South 01 Degrees **28' 47"** East, **469.69** feet along the East line of said East **1/2** of Lot 1 to **the Point** of Beginning; thence North 88 Degrees **20' 33"** West, 93.22 feet; thence North 01 Degrees **39' 27"** East, 84.87 feet; thence South 88 Degrees **20' 33"** East, 88.57 feet; thence South 01 Degrees **28' 47"** East, 85.00 feet to the Point of Beginning, being located on the North side of Forest Hill Boulevard, approximately 110 feet West of Davis Road, in a CG-General Commercial Zoning District, was **approved** on October 26, 1989 as advertised, subject to the following conditions:
  1. Prior to site plan review committee submittal, the site development plan shall be amended to Satisfy all minimum property development regulations and land development requirements.
  2. The petitioner shall preserve **all** cabbage palm or relocate them along the north and west property lines within required Landscape Strip **No. 1**.
  3. Perimeter Landscape Strip No. 1 shall be supplemented with twelve **(12)** foot high minimum canopy trees, planted twenty-five (25) feet on center.
  4. Prior to site plan review committee submittal, the site plan shall be amended to indicate:
    - a. A continuous six (6) foot high native hedge and twelve (12) foot high canopy trees, planted twenty (20) feet on center, along the southern boundary line of the dry retention area;
    - b. An additional handicap parking space adjacent to Building **"B"**;
    - c. The elimination of the three (3) parking spaces adjacent to the south property line.
  5. The maximum building height shall be limited to twenty-five (25) feet.
  6. Required landscape strips along Davis Road and Forest Hill Boulevard shall be supplemented with a thirty-six (36) inch high native hedge and twelve (12) foot high native canopy trees, planted twenty (20) feet on center.
  7. All site lighting shall be of low intensity, shielded and directed away from residential zoned property and rights-of-way.
  8. All trash receptacles shall be completely screened by a six (6) foot high solid wooden fence and landscaping.
  9. Off-premise signs shall not be permitted on site.
  10. **Sewer** service is available to the property. Therefore, no septic tank shall be permitted on the site.

11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. 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 onsite or on a contiguous parcel to the north, by recording a plat for this parcel and the adjacent north parcel, 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.
13. The Property owner shall construct Davis Road as 3 lane section from Forest Hill Boulevard North to the project's entrance road onto Davis Road plus the appropriate paved tapers concurrent with onsite paving and drainage improvements. Construction shall be commenced concurrent with the issuance of the first building permit and shall be completed prior to the issuance of the first Certificate of Occupancy.
14. 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 \$109,780.00 (3,070 trips X \$55.00 per trip).
15. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
  - a) Building Permits for more than 8,700 square feet of gross leasable floor area shall not be issued until construction has begun for Forest Hill Boulevard as a 6 lane facility from Congress Avenue to Military Trail plus the appropriate paved tapers.
16. The Developer shall install signalization if warranted as determined by the County Engineer at Davis Road and Forest Hill Boulevard. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
17. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
18. Point of purchase signage along Davis Road shall be

limited to one sign a maximum of fifty (50) square feet in area and a maximum of **twenty-five (25) feet** in height.

19. Use of the site shall be limited to the hours of between 6:00 A.M. to 11:00 P.M.
20. Prior to Site Plan Review Committee certification the petitioner shall redesign the site to accommodate vehicular and pedestrian cross access if the adjacent property owner agrees to said access. Appropriate cross access agreements shall be submitted to and approved by the County Attorney.
21. Safe sight corners at the intersection of the project's entrance roads and both Forest Hill Boulevard and Davis Road shall be maintained.
22. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Phillips moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	-- AYE
Karen T. Marcus	-- ABSENT
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of April, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

