

RESOLUTION NO. R-90-859

RESOLUTION APPROVING ZONING PETITION NO. **89-132**  
SPECIAL EXCEPTION PETITION OF  
SAMI SEHAYIK, RONI AND ROZANNE SEHAYIK  
BY DONALDSON E. HEARING, AGENT

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. **89-132** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December **28, 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. **89-132**, the petition of SAMI SEHAYIK, RONI AND ROZANNE SEHAYIK, BY DONALDSON E. HEARING, AGENT, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS PARK, INCLUDING A RESTAURANT AND LOUNGE on a parcel of land lying in Lots **43, 44, 45** and **46** Kelsey Acres Plat No. **2**, Plat Book **24**, Page **47**, Section **17**, Township **42** South, Range **43** East, and being located at the Northeast corner of the intersection of State Road A1A and Richard Road in a CS-Specialized Commercial Zoning District, was approved on December **28, 1989** as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect two (2) native canopy trees in all of the five (5) by forty (40) foot landscape islands.

2. Alternative landscape strip number 1 shall be installed along the eastern property. A six (6) foot concrete block wall, with equal architectural treatment on both sides shall be used. This wall shall be a minimum of six (6) feet in height above finished floor elevation. Minimum landscape requirements shall be upgraded to twelve (12) foot tall native canopy trees twenty (20) feet on center and one native palm per twenty (20) linear feet. Existing vegetation may be credited toward this requirement.
3. There shall be no storage of debris, equipment, or materials along the rear of the center.
4. The eastern facade of the building shall receive equal architectural treatment with the front of the center.
5. All lighting shall be low intensity and directed away from surrounding residential land uses through the use of house side shields.
6. All structures shall be limited to a maximum of thirty-five (35) feet in height.
7. All mechanical equipment shall be roof mounted and appropriately screened.
8. There shall be no vehicular circulation permitted behind the facility.
9. All activities and business shall be conducted within the building.
10. All landscaping shall be within a minimum 5 foot wide landscape strip free of easements and encumbrances.
11. Landscaping along A1A shall be upgraded to include native canopy trees twenty-five (25) feet on center and twelve (12) feet in height and a thirty-six (36) inch hedge.
12. No off-premise signs shall be permitted on site.
13. Point of purchase signs shall be limited to two (2) monument type signs, a maximum of twelve (12) feet in height and 215 square feet in area.
14. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification.
15. 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.
16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
18. 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 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.
19. Prior to Site Plan approval developer shall relocate the proposed entrance onto State Road Alternate A1A, 100 feet from the project's north property line.
20. 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 \$55,770.00 (1,014 trips X \$55.00 per trip).
21. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following:
  - a) Of the total 20,800 square feet, no more than 8,400square feet of the subject site may be used for medical office, a minimum of 12,400 square feet shall be used for general office and no restaurant shall be permitted.
22. Prior to site plan review approval, the petitioner shall submit a revised consent agreement subject to the approval to the County Attorney.
23. The petitioner shall provide a landscape strip on the exterior of the wall to include a twenty-four (24) inch hedge with vines five (5) feet on center as approved at Site Plan Review.
24. 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 Marcus 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	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 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