

RESOLUTION NO. R-90- 1284

RESOLUTION APPROVING ZONING PETITION NO. 86-54 (A)
SPECIAL EXCEPTION PETITION OF THE SENECA GROUP

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. 86-54 (A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 25, 1990; 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. 86-54 (A), the petition of THE SENECA GROUP, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION TO DECREASE THE LAND AREA TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) on a parcel of land being Parcel A commencing at the North 1/4 of the Southwest 1/4 of the Northwest 1/4, of the Northeast 1/4, of Section 25, Township 44 South, Range 42 East, less right-of-way of State Road 802, Official Record Book 442, Page 236, and State Road 809, Deed Book 880, Page 107; TOGETHER WITH Parcel B, commencing at the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, of the Northeast 1/4 of said Section 25, subject to right-of-way of State Road 809 over the Westerly 40.00 feet, Deed Book 886, Page 54; TOGETHER WITH Parcel C, commencing at the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 (less the South 2 acres thereof), of said Section 25, less the right-of-way of Military Trail. Less and excepting the South 230.00 feet thereof; Said South 230.00 feet is as measured at right angles to the South line of the above described Parcel "C", and being located on the east side of South Military Trail, approximately .1 mile south of Lake Worth Road in a CG-General Commercial Zoning District, was approved on January 25, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review submittal, the site plan shall be amended to indicate:
 - A. Compliance with minimum Zoning Code requirements and Property Development Regulations.
 - B. Relocation of the trash dumpsters from east of Building "F" to east of Building "C" with a minimum distance of fifty (50) feet from the east property line.
 - C. Relocation of the entire north landscape strip outside and south of the L-12 canal right-of-way and easement.
 - D. Landscape strips along the west (Military Trail) and north property lines shall be upgraded with minimum ten (10) foot high native canopy trees spaced twenty (20) feet on center with a minimum thirty (30) inch high hedge spaced twenty-four (24) inches on center.
 - E. The landscape strip along the east property line shall be upgraded to include a six (6) foot high concrete block and stucco wall, minimum twelve (12) foot high native canopy trees spaced twenty (20) feet on center.
 - F. All trash dumpsters shall be enclosed by a six (6) foot high solid wooden fence.
 - G. The color of all building exteriors shall be muted hues. No florescent colors shall be permitted.
3. Use of the site shall be limited to 16,027 square feet of office/warehouse, 10,000 square feet of automotive repair/service and 11,000 square feet of retail.
4. Outside storage of disassembled vehicles, parts or inventory shall not be permitted on site.
5. Security lighting shall be shielded, low intensity and directed away from nearby residences and rights-of-way.
6. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow for the relocation of native vegetation on site to the perimeter buffers.
7. No banners, flags, balloons, snip signs, etc., shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.
8. The parking of vehicles shall be limited to designated display areas only. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.
9. Loading shall be limited to designated areas within the interior of the site.
10. Off-premise signs shall not be permitted on site.

11. Generation and disposal of hazardous effluents into sanitary sewage 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.
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted **on** the site to provide potable water.
14. 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.
15. 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.
16. 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 **\$66,000.00 (1,200 trips X \$55.00 per trip)**.
17. This project shall be restricted to the following:
 - a) **A** minimum of **9,616** square feet of this project shall remain as office.
 - b) **A** maximum of **11,000** square feet **of** this project shall be general commercial.
 - c) **A** minimum of **6,411** square feet **of** this project shall be warehouse
 - d) **A** maximum number of **14** auto service bays shall be permitted.
18. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record:
 - a) a Unity **of** Title; and

- b) cross access easement with the property owner to the south of the subject property subject to approval by the County Attorney.
19. Condition **No. 12** of Resolution **No. R-86-1373**, which presently states:
- "12. There shall be no retail **of** consumer service uses permitted in the office-warehouse combination."
- is hereby deleted.
20. 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.
21. 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.

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 Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard 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 7th day of August, 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