

RESOLUTION NO. R-90-1890

RESOLUTION APPROVING ZONING PETITION NO. 77-105(C)
SPECIAL EXCEPTION PETITION OF HAVERHILL ASSOCIATES
BY KIERAN J. KILDAY, 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. 77-105(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 28, 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. 77-105(C), the petition of HAVERHILL ASSOCIATES, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL DEVELOPMENT on a parcel of land lying in the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 36, Township 43 South, Range 42 East and being located on the east side of Haverhill Road, .04 mile south of Belvedsre Road in a IL-Light Industrial Zoning District, was approved on June 28, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

3. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners 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).
4. Petition Number 77-105, Resolution Number R-77-949 and Petition Number 77-105(A), Resolution Numbers R-84-1839 and R-84-1840, shall be extinguished entirely by this petition.

BUILDING DESIGN

5. No openings shall be permitted in the eastern facades of the buildings, except for required emergency exits.
6. Architectural treatment shall be incorporated into all facades to provide an attractive and compatible addition to the neighborhood.
7. Bay doors shall not be visible from the north, south and east property lines.

ENGINEERING

9. 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.
10. If required by the County Engineer or the South Florida Water Management District 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.
11. Based upon the previous commitment of Zoning Petition Number 77-105(A), the property owner shall pay the amount of \$53,200.00 prior to the issuance of the first building permit,
12. The Developer shall then pay the 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

at the time of the Building Permit is \$52,250.00 (950 trips X \$55.00 per trip). (Note: credit for the amount paid above shall be given to the property owner).

13. No Building Permits shall be issued for this project after January 1, 1993.
14. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall:
 - a. Record a Unity of Title on the subject property until such time that appropriate Unity of Control documents, such as a plat, a condominium document or a property owners' association, is approved by the County Attorney.
 - b. Revise the survey and Site Plan to reflect Palm Beach County ownership of Haverhill Road, fifty-four (54) feet from centerline.

ENVIRONMENTAL

15. **Any** additional excavation of lakes shall require a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the new littoral shelf shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision approval.

GENERAL PROVISIONS

16. The developer shall comply with the general provisions section of the PBIA-0 District of the Zoning Code (630.E).

HEALTH

17. 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.
18. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
19. ~~Water service is available to~~ the property. Therefore, no well shall be permitted on the site to provide potable water.
20. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 Florida Administrative Code.

IRRIGATION QUALITY WATER

21. 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.

LAKE WORTH DRAINAGE DISTRICT (LWDD)

22. Prior to October 1, 1990 or prior to Site Plan approval, whichever shall first occur, the property owner shall convey to the Lake Worth Drainage District the south 25 feet of the southwest 1/4 of the southwest 1/4 of the northwest 1/4 of Section 36, Township 43 South, Range 43 East for the required right-of-way for Lateral Canal No. 4, by Quit Claim Deed or an Easement Deed in the form provided by said District.

LIGHTING

23. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets. Lighting fixtures shall not exceed twelve (12) feet in height within fifty (50) feet of residential areas.
24. There shall be no roof top lighting. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures.

NOISE ABATEMENT

25. Noise abatement measures incorporated into the design and construction of the structures must be used to achieve Noise Level Reduction (NLR) demonstrable to 25 decibels for reception, lounge and office areas.

PBIA OVERLAY CONDITIONS

26. Prior to Site Plan Certification, the petitioner shall meet with the PBIA Overlay Committee and conduct a presentation of the project.
27. No storage, use or generation of hazardous materials shall be permitted on site.
28. No automotive repairs shall be conducted on site.
29. The petitioner shall provide foundation plantings in front of 50% of the office facades of each building.

RECYCLE SOLID WASTE

30. The property owner 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.

SIGNS

31. No off-premise signs shall be permitted on site.
32. Maximum sign height shall be fifteen (15) feet.

33. Maximum sign area shall be fifty percent (50%) of linear frontage.
34. Maximum number of signs shall be three (3) if frontage is greater than 400 feet, maximum of two (2) if frontage is less than 400 feet, and one (1) if frontage is less than 100 feet.
35. A master sign program shall be submitted prior to site plan certification which specifies sign location, sign size, and unified graphics and color.

SITE DESIGN AND LANDSCAPING

36. Prior to certification, the site plan shall be amended to indicate:
 - a. The site shall be redesigned to eliminate all parking in front of the proposed buildings.
 - b. An upgraded landscape buffer along the east and south property lines which includes a six (6) foot high wall with twelve (12) foot tall native canopy trees planted every twenty (20) feet on center on both sides of the wall and a thirty-six (36) inch high hedge planted on the exterior side of the wall.
 - c. The landscaping along the north and west property lines shall be upgraded to include twelve (12) foot tall native canopy trees planted twenty (20) feet on center and a thirty-six (36) inch high hedge along the Haverhill Road and the north property line.
 - d. The landscaping along the south and east property lines shall be supplemented with an additional ten (10) foot wide interior island for each six (6) parking stalls. A minimum one ten (10) foot tall tree shall be planted in each island.
37. The landscaping shall provide all the minimum standards of the Town of Haverhill landscaping requirements for their commercial zoning districts.

VEGETATION PROTECTION

38. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,

- c. No vegetation removal or development activity such as trenching, grade changes or grubbing **that** may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.

Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

USE LIMITATIONS

39. Parking shall not be permitted in landscape areas or rights of way. Parking shall be permitted only in designated parking stalls.
40. **No** outdoor speakers shall be permitted which **are** audible at the property lines.
41. Use of the site shall be limited to those **activities** consistent with the permitted use list in the **IL** Zoning District.
42. Hours **of** operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday.

COMPLIANCE

43. **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	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of November, 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

