

ORIGINAL

RESOLUTION APPROVING ZONING PETITION NO. 92-3
SPECIAL EXCEPTION PETITION OF ANDREW J. KOBOSKO

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. 92-3 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on February 27, 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. 92-3, the petition of ANDREW J. KOBOSKO, BY MICHAEL W. CONNORS, AGENT, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL SALES & SERVICE ENTERPRISE (OF AN AGRICULTURAL NATURE), on a parcel of land lying in the East 1/2 of the West 2/3 of Tract 39, Block 17, PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, Page 47, Section 18, Township 44 South, Range 42 East, and being located ON THE S SIDE OF FOREST HILL BLVD., APPROX. .5 MILE E OF SR 7, was approved on February 27, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

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. 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 (Exhibit No. 3). Any

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modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.

3. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners **for** the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before June 24, 1992.

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.
2. Total gross floor area shall be limited to a maximum of **1,650** square feet.
3. Access to the site from Forest Hill Boulevard shall be limited to one-way ingress/egress points, with the westernmost access point limited to entry and the easternmost access point limited to exiting the site. Adequate signage and striping shall be installed on **site** to indicate one-way ingress/egress at these locations.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind **a solid** enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

D. HEALTH

1. The application and engineering plans to construct on-site potable water and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan certification.
2. Use of the site shall be limited to the **sale** of agricultural products. Food preparation shall **not be** permitted by this approval.

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 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

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matter will be referred to the Code Enforcement Board for enforcement.

2. 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 \$7,535.00 (137 trips X \$55.00 per trip).

F. IRRIGATION QUALITY WATER

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

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to all landscape related conditions of approval.
2. All trees required by this approval to be planted on site shall:
 - a. Be a minimum of fourteen (14) feet in height at installation.
 - b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread.
3. Landscaping and buffering required by this approval shall be installed prior to August 1, 1992.

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING FOREST HILL BOULEVARD)

1. Landscaping within the required fifteen (15) foot buffer along Forest Hill Boulevard shall be upgraded to include:
 - a. One native canopy tree planted for each twenty (20) linear feet of frontage, excluding access drives.
 - b. Thirty (30) inch high shrub or hedge material planted twenty-four (24) inches on center.

I. LANDSCAPING ALONG THE SOUTH, EAST AND WEST BOUNDARY LINES OF THE DEVELOPED AREA

1. Landscaping and buffering along the south, east and west boundary lines of the developed area, as indicated on the site plan, shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip.
 - b. One native canopy tree planted every twenty-five (25) feet on center.

- c. Thirty (30) inch high shrub or hedge material planted twenty four (24) inches on center.
2. Landscaping meeting minimum Landscape Code requirements shall be installed along the entire south, east and west property lines at such time that building construction commences within 300 feet of any property line.

J. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.
2. All new lighting shall not exceed twenty (20) feet in height from finished grade.

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

L. SIGNS

1. The total number of free-standing signs on-site shall be limited to one (1). No additional freestanding signs shall be allowed on site.
2. In the event the current freestanding sign is replaced, the replacement sign shall conform to the following:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - one (1) located on Forest Hill Boulevard.
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.
4. The petitioner shall remove the existing billboard from the site on or before November 28, 1996, or when the current lease for the sign expires, whichever shall occur first. No permit renewals shall be allowed for the billboard sign.

M. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted.
2. No storage or placement of any material, refuse, equipment or debris shall be permitted on site.
3. The site shall be limited to the following uses and activities:

- a. Agriculturally related sales and services such as fresh fruit and vegetables, farm and garden equipment and tools, fertilizer and seed, garden and nursery supplies and plants.
 - b. There shall be no repair of mechanical equipment on site, nor any sale of large scale farm implements.
 - c. There shall be no food sold for consumption on the premises.
 - d. **No** food shall be prepared on site.
4. Deliveries shall be permitted between 7:00 a.m. and 7:00 p.m., Monday through Saturday only, in the event residential dwelling units are constructed and issued certificates of occupancy within 300 feet of any property line.

N. COMPLIANCE

- 1. As provided in 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 Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	aye
Carole Phillips	--	absent
Carol A. Roberts	--	aye
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 12th day of May, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

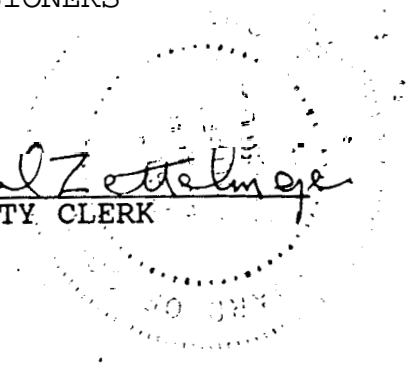
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



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