

RESOLUTION NO. R-96-544

RESOLUTION APPROVING ZONING PETITION CA83-69(C)  
CLASS A CONDITIONAL USE  
PETITION OF PETE CARTIER  
CROSS COUNTY COMMERCE PARK

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA83-69(C) was presented to the Board of County Commissioners at a public hearing conducted on March 28, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code,
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Class A Conditional Use meets applicable local land development regulations.
7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA83-69(C), the petition of Pete Cartier for a Class A Conditional Use (CA) to allow an Office/Warehouse in the Westgate CRA Overlay in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 28, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Ken Foster	--	Absent
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

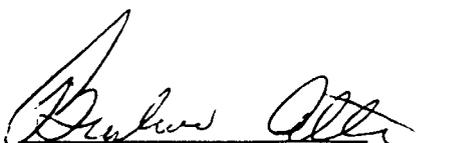
The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

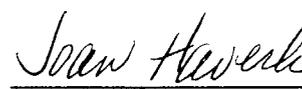
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

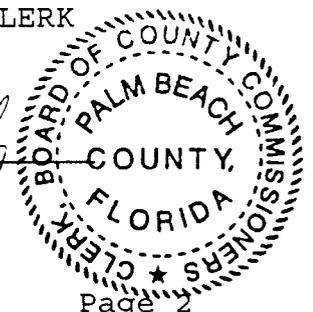
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



Petition CA83-69(C)  
Project No.

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LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, SAID POINT BEING THE INTERSECTION OF THE CENTERLINES OF WESTGATE AVENUE AND DONNELL ROAD, PER OFFICIAL RECORD BOOK 554, PAGE 308 AND DEED BOOK 1064, PAGE 603 OF THE RECORDS OF PALM BEACH COUNTY, FLORIDA, RESPECTIVELY; THENCE NORTH 01° 30' 36" EAST (BEARING REFERENCES) ALONG THE CENTERLINE OF DONNELL ROAD, SAID CENTER LINE BEING THE EAST LINE OF THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, A DISTANCE OF 274.77; THENCE N 89° 12' 20" W, 336.94 FEET TO THE WEST LINE OF THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25; THENCE SOUTH 1° 29' 34" WEST, 374.00 FEET ALONG SAID WEST LINE TO THE SOUTH LINE OF THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25; THENCE SOUTH 89° 06' 32" EAST, 336.86 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. LESS ROAD RIGHT OF WAYS RECORDED IN OFFICIAL RECORD BOOK 554, PAGE 308 AND 309 AND DEED BOOK 1064, PAGE 603.

CONTAINING 2.123 GROSS ACRES MORE OR LESS AND 1.645 NET ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

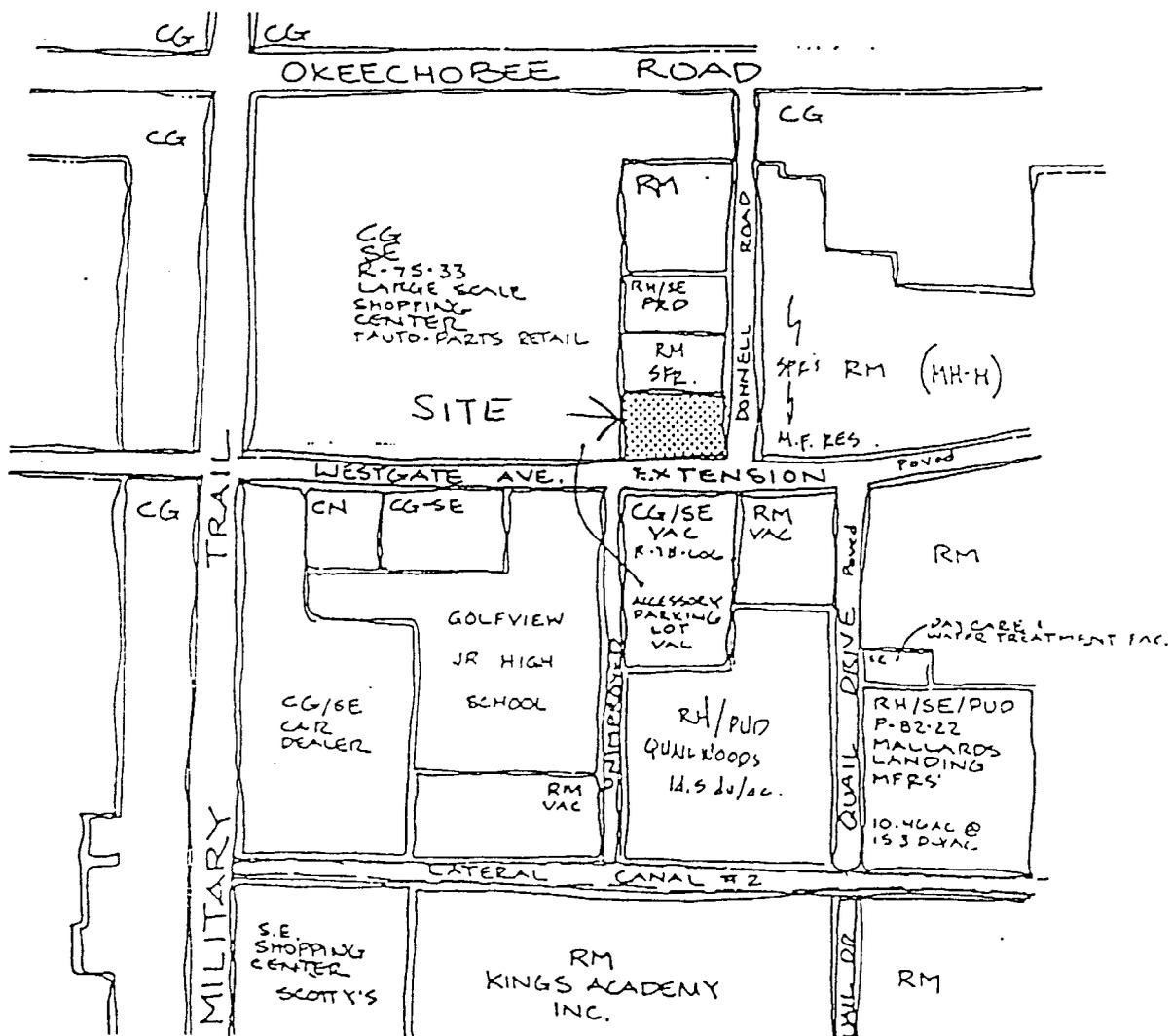


EXHIBIT C

CONDITIONS OF APPROVAL

**A. USE LIMITATIONS**

1. All previous zoning approvals, and applicable conditions, **as** granted by Resolutions **R-90-345**, R-90-346, **R-90-347**, and **R-83-1075**, are hereby revoked. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the site plan and proposed tree preservation as approved by the Board of County Commissioners (site plan dated March **20, 1996**). All modifications must **be** approved by the Board **of** County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Total gross floor area shall be limited to an office/warehouse in accordance with the Westgate Overlay District regulations. (DRC/ONGOING: CODE ENF - Zoning)
4. Business hours shall be limited from 7:00 a.m. to ~~7:00~~ **9:00** p.m. Monday thru Saturday. (ONGOING: CODE ENF)
5. Outdoor speaker or public address systems shall not be permitted on site. (ONGOING: CODE ENF)
6. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site. (ONGOING: CODE ENF)

**B. ACCESS**

1. Vehicular access to the site shall be limited to;
  - a. One turnout centrally located on the west side of Donnell Road; and
  - b. One turnout located in the southwest corner of the property. (DRC: ZONING)

**C. HEALTH**

1. Generation and disposal **of** any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH / CODE ENF)

**D. BUILDING AND SITE DESIGN**

1. The minimum setback for the building shall be seventy five (75) feet from the south property line and twenty five (25) feet from the west property line. (DRC: ZONING)
2. The maximum height for the building, measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG - Zoning)

3. Openings shall not be permitted on the east and west facades of the building, except required emergency exits. (BLDG PERMIT: BLDG)
4. All air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
5. Prior to final Development Review Committee (DRC) certification, the petitioner shall revise the site plan for prorated office/warehouse parking requirements and indicate the number of employees. (DRC: ZONING)
6. The petitioner shall obtain a variance for the proposed north property line buffer width or revise the site plan to be in conformance with ULDC requirements prior to final Development Review Committee (DRC) certification. (DRC: ZONING)

**E. ENGINEERING**

1. Engineering conditions 8, 10, 11 of Zoning Resolution R-90-347 are hereby repealed.
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, Zoning Petition Number 83-69(C), to be paid at the time of issuance of the Building Permit presently is \$19,360.00 (352 trips X \$55.00 per trip). (BLDG PERMIT: FAIR SHARE FEE COORDINATOR)

**F. LANDSCAPING - STANDARDS**

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
  - a. Palm heights: twelve (12) feet clear trunk.
  - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
  - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning)

- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
- 3. Petitioner shall provide appropriate ground cover and shrub material in the foundation planting areas. (CO: LANDSCAPE)

**G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

- 1. Petitioner shall install a six (6) foot high concrete louvered fence.
  - a. The required fence shall be located on the property line.
  - b. The exterior side of the fence shall be given a finished architectural treatment. (CO/DRC: LANDSCAPE - Zoning)
- 2. The following landscape requirements shall be installed on the interior side of the required fence:
  - a. One (1) native evergreen canopy tree planted every twenty (20) feet on center.
  - b. One (1) palm for each thirty (30) linear feet, with a maximum spacing of fifty (50) feet on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location. (CO: LANDSCAPE - Zoning)
  - c. The petitioner shall install twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE - Zoning)

**H. LANDSCAPING ALONG SOUTH PROPERTY LINE (WESTGATE AVENUE)**

- 1. The landscape strip along Westgate Avenue shall meet the requirements of the Westgate/Belvedere Homes District Streetscape Program. (DRC/CO: LANDSCAPE - Zoning)
- 2. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip.
  - b. One (1) tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
  - c. One (1) palm for each twenty (20) linear feet of perimeter property line. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
  - e. Twenty four (24) inch high native shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)
- 3. All trees shall be native evergreen species planted at an equivalent of one tree per twenty (20) linear feet of property line. Credit shall be given for existing trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

**I. LANDSCAPING ALONG EAST PROPERTY LINE (DONNELL ROAD)**

- 1. Landscaping and buffering along the east property line

shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip.
- b. One (1) tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- c. One (1) palm for each twenty (20) linear feet of perimeter property line. A grouping of three or more palms may supersede the requirement for a canopy tree in that location.
- d. Twenty four (24) inch high native shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

**J. LANDSCAPING ALONG WEST PROPERTY LINE**

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. One (1) native evergreen canopy tree planted every thirty (30) feet on center.
  - b. One (1) palm for each thirty (30) linear feet, with a maximum spacing of fifty (50) feet on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location. (CO: LANDSCAPE - Zoning)
  - c. The property owner shall install ~~thirty (30)~~ **twenty four (24) inch high native shrub or hedge material** spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE - Zoning)

**K. VEGETATION PRESERVATION**

1. The petitioner shall preserve or relocate existing native plant material into the site plan as approved by the Board of County Commissioners (site plan dated March 20, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: LANDSCAPE - Zoning)
2. Prior to issuance of building permit, the petitioner shall:
  - a. Clearly identify and mark all trees to be preserved or relocated;
  - b. Install appropriate protective barriers around individual and groups of trees to be preserved; and
  - c. Obtain approval from the Landscape Inspection staff for compliance with tree preservation measures. (BLDG PERMIT: LANDSCAPE - Zoning)

**L. LIGHTING**

1. All outdoor lighting used to illuminate the subject

property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG / CODE ENF - Zoning)

2. All outdoor lighting fixtures shall not exceed ~~twelve (12)~~ ~~twenty five (25)~~ feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m. Wall mounted security lighting is excluded from this requirement. (ONGOING: CODE ENF)

**M. DUMPSTERS**

1. All storage and disposal of trash, garbage and recyclable materials shall be confined to the areas designated on the site plan. (CO: BLDG - Zoning)
2. The exterior side of the dumpster enclosure walls shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (CO: LANDSCAPE - Zoning)

**O. PARKING**

1. Parking of vehicles shall be permitted only within designated spaces. (ONGOING: CODE ENF)
2. No overnight parking of any vehicle or trucks shall be permitted. (ONGOING: CODE ENF)
3. Parking spaces shall be designated for individual tenants/employees and customer parking. Appropriate signs shall be posted designating the assigned spaces. (CO: BLDG - Zoning)

**P. SIGNAGE**

1. Freestanding point of purchase sign on site shall be limited as follows:
  - a. Maximum sign height, measured from top of curb to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 150 square feet;
  - c. Maximum number of signs - One (1);
  - d. Location - maximum twenty (20) feet from Westgate Avenue access drive;
  - e. Monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Directional signage on Donnell Road shall be limited as follows:
  - a. Maximum sign height, measured from top of curb to highest point - four (4) feet;
  - b. Maximum sign face area per side - 10 square feet;
  - c. Maximum number of signs - one (1);
  - d. Location - maximum ten (10) feet from any driveway;
  - e. Monument style only. (BLDG PERMIT: BLDG - Zoning)

**Q. WESTGATE CRA**

1. Prior to submittal for a building permit, the petitioner shall ~~construct or~~ fund construction of sidewalks and applicable CRA streetscape paving designs within the road right-of-way and landscape strip along Westgate Avenue and Donnell Road concurrent with on-site paving and drainage improvements. This sidewalk shall be a width of five (5) feet and construction plans shall be subject to approval by the County Engineer. Funds shall be paid prior to submittal for a building permit and given to Palm Beach County Engineering Department for the Westgate/Belvedere Homes CRA Road Improvement Program; (BLDG PERMIT: ENG)

R. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject-property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.