

RESOLUTION NO. **R-89- 1443**

RESOLUTION APPROVING ZONING PETITION NO. **89-21**
SPECIAL EXCEPTION PETITION OF WILLIAM G. ROBINSON AND
WILLIAM R. TINNERMAN

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. **89-21** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 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, Section 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. **89-21** the petition of WILLIAM G. ROBINSON AND WILLIAM R. TINNERMAN, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN (2) OFFICE WAREHOUSE COMBINATION on a parcel of land lying in the North 1/4 of Section 22, Township 46 South, Range 42 East, being more particularly described as follows: Commence at the Northeast corner of said Northeast 1/4 of Section 22; thence North 89 degrees 42' 29" West along the North line of said Section 22; a distance of 336.05 feet to a point; thence South 01 degrees 06' 32" East a distance of 667.02 feet to a point; thence North 89 degrees 42' 18" West a distance of 335.95 feet to the Southeast corner of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 22 and the Point of Beginning of the hereinafter described parcel; thence continue North 89 degrees 42' 18" West a distance of 335.95 feet to the Southwest corner of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 22; thence North 01 degree 07' 34" West along the West line of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 22, a distance of 623.56 feet to a point on a line 40.00 feet South

of, as measured at right angles to, and parallel with the centerline of existing pavement as shown on the State of Florida Department of Transportation Right-of-way for State Road s-806 Section 93550-2601; thence South 89 degrees 41' 37" East along said parallel line a distance of 234.10 feet to the beginning of a curve concave to the North having a radius of 1,833.26 feet and a central angle of 03 degrees 11' 08"; thence easterly along the arc of said curve a distance of 101.92 feet to a point on the East line of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 22; thence South 01 degrees 07' 03" East along said line a distance of 626.33 feet to the Point of Beginning. The North line of said Section 22 is assumed to bear North 89 degrees 42' 29" West and all other bearings are relative thereto, being located on the south side of Delray West Road (SR 806), approximately .3 mile east of Carter Road, in a CG-General Commercial Zoning District, was approved on April 28, 1989, as advertised, subject to the following conditions:

1. Prior to site plan review submittal, the site plan shall be amended to indicate:
 - a. The roads servicing the office/warehouse buildings shall be a minimum width of twenty-five (25) feet commencing at Delray West Road south -to the southernmost office/warehouse buildings.
2. In order to avoid an incompatible industrial appearance, the rear facades of the retail stores and office warehouses shall be given architectural treatment consistent with the front of the center.
3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
4. No storage or placement of any materials, refuse, equipment, or accumulated debris shall be permitted in the rear of the retail stores.
5. No parking of any vehicles shall be permitted along the rear of the retail stores or office warehouse except in designated spaces or loading areas.
6. Security lighting shall be low intensity, shielded, and directed away from residential area.
7. Prior to site plan certification, the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
8. Prior to certification of the site plan the plan shall be amended to:
 - a. Ten (10) foot native canopy trees planted twenty-five (25) feet on center along the southernmost property line.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore,

no well shall be permitted on the site to provide potable water.

11. 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.
12. 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.
13. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for West Atlantic Avenue, 60 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
14. The Property owner shall construct a right turn lane, west approach on West Atlantic Avenue at the project's west entrance concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Construction shall include curb and gutter subject to approval by the Florida Department of Transportation.
15. The petitioner 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 \$48,972.00 (1,828 trips X \$26.79 per trip).
16. The property owner shall convey to the Lake Worth Drainage District a right-of-way 80 foot in width lying south of and adjacent to the south right-of-way line of Delray West Road for the required right-of-way for Lateral Canal No. 34, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.

17. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a) No building permits shall be issued until construction contracts have been let for West Atlantic Avenue from Military Trail to Jog/Carter Road as a 6 lane section plus the appropriate paved tapers.
18. The property owner shall contribute the amount of \$10,000.00 toward the cost of signalization at El Claire Ranch Road and West Atlantic Avenue.
19. Ingress/egress shall be prohibited in the 7,000 square foot eastern retail building and in the western 5,600 square foot retail building unless four (4) foot sidewalks are provided along these respective sides.
20. Perimeter landscaping adjacent to Atlantic Avenue shall be upgraded to include canopy trees twelve (12) feet in height planted an equivalent of twenty (20) feet on center and a hedge thirty-six inches in height and twenty-four (24) inches on center at the time of installation. Phase II shall be mulched and seeded and maintained in good condition until construction of Phase II.
21. Landscaping will be installed in front of Phase II which will be compatible with the frontage landscaping and will be designed to block the bay doors.
22. All graphics presented at the Board of County Commission meeting shall be submitted to the Zoning Division and made part of the official record simultaneously with submittal for site plan certification. These graphics shall serve to define the minimum landscape requirements for building permits.
23. Prior to issuance of a Certificate of Occupancy, the property owner shall upgrade landscaping within the median of West Atlantic Avenue from the first median opening west of the west property line to the first median opening east of the east property line. This landscaping shall be planted in accordance with xeriscape principles subject to the approval of the Florida Department of Transportation.
24. All signage shall be aesthetically designed and limited to two (2) monument type signs, each a maximum of eight (8) feet in height and eighty (80) square feet in area.
25. 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 adoption of the Resolution.

The motion was seconded by the 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 1st day of August, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK

