

RESOLUTION NO. R-89-2206

RESOLUTION APPROVING ZONING PETITION NO. 79-182(A)
SPECIAL EXCEPTION PETITION OF CUSHMAN FRUIT COMPANY, INC.

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. 79-182(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 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, 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. 79-182(A) the petition of CUSHMAN FRUIT COMPANY, INC., for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT FOR A MIX OF PERMITTED USES, WHICH WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A DAIRY PROCESSING FACILITY (PETITION NO. 79-182), on a parcel of land lying on the North 472.21 feet of the South 532.31 feet of the West 1/2 of Lot 3, Block 4, of the Model Land Company Subdivision, known as Palm Beach Plantations, Plat No. 1, Plat Book 10, Page 20, and all of the Lots 9, 10, and 11, Plat of Larkwood, Plat Book 23, Page 227, being located on the northwest corner of the intersection of Dalinda Lane and Forest Hill Boulevard (SR 882), in the CG-General Commercial Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. Zoning Petition 79-182 (Resolution No 79-1252) is hereby repealed.
2. Prior to site plan certification, the site plan shall be amended to indicate:
 - a. Landscape Alternative No. 3 along the perimeter of the site, extending along the east and north property line abutting residential zoned areas

and along the west property line to the access way. The landscape strip shall be supplemented with 12 foot high native canopy trees planted 20 feet on center and a 6 foot high CBS wall shall be constructed within the landscape strip;

- b. Elimination of parking spaces directly in front of the western access thus eliminating vehicular congestion associated with vehicles backing up into the access;
 - c. In the event that a fifty (50) foot right-of-way is established along the west property line, a ten (10) foot wide landscape strip shall be provided; and,
 - d. A 36 inch high continuous hedge within the required five (5) foot wide landscape strip along the sixty (60) foot wide ingress and egress easement within the west property line and the fifteen (15) foot landscape strip along Forest Hill Boulevard. These landscape strips shall be supplemented with ten (10) to twelve (12) foot high native canopy trees, planted thirty (30) feet on center.
3. Proper documentation shall be submitted to the Zoning Division prior to Site Plan Review Committee certification verifying that the structure is a valid non-conforming structure.
 4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way or interior drives.
 5. Lighting shall be shielded, low intensity and directed away from adjacent residentially zoned areas and streets, shining only on the subject site.
 6. Off-premise signs shall not be permitted on site.
 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 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 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.

10. Within 90 days of approval of this project or prior to the issuance of a Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Forest Hill Boulevard, 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.
11. 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 \$2,652.00 (99 additional trips X \$26.79 per trip).
12. In addition the Developer shall contribute the amount of \$398.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$398.00 shall be paid prior to the issuance of the first Building Permit or prior to whichever shall first occur.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$398.00 shall be credited toward the increased Fair Share Fee.
14. Within ninety (90) days of special exception approval, the petitioner shall dedicate to Palm Beach County thirty (30) feet of right-of-way for Dalinda Lane.
15. 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 Roberts moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

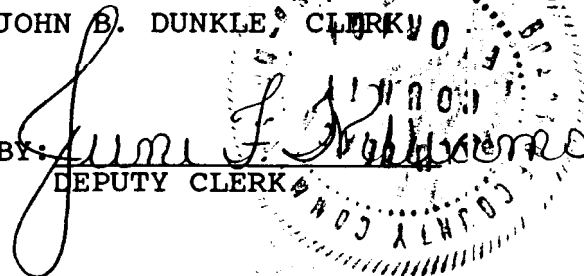
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY :


DEPUTY CLERK