

RESOLUTION NO. R-90-842

RESOLUTION APPROVING ZONING PETITION NO. 87-140(A)
SPECIAL EXCEPTION PETITION OF KENNETH J. AND ALICE M. SIMMONS
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. 87-140(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 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, 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. 87-140(A), the petition of KENNETH J. AND ALICE M. SIMMONS, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A COMMERCIAL KENNEL TO PERMIT A (1) PLANNED COMMERCIAL DEVELOPMENT, (2) INCREASE THE LAND AREA, AND (3) INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in the South 360.00 feet of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 44 South, Range 42 East. **LESS,,** the East 100.00 feet thereof. **ALSO LESS,** the right-of-way of Lake Worth Road; **TOGETHER WITH** the North 180.00 feet of the South 360.00 feet of the West 1/2 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; **LESS,** the East 70.00 feet thereof; **ALSO LESS,** the right-of-way for Haverhill Road; **TOGETHER WITH,** the North 53.00 feet of the South 180.00 feet of the West 1/2 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 24; **LESS** the East 70.00 feet thereof; **ALSO LESS,** the right-of-way for Haverhill Road; **TOGETHER WITH,** the South 360.00 feet of the East 70.00 feet of the West 1/2 of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 24; **LESS,** the right-of-way for Lake Worth Road (State Road 802), and being located on the North side of Lake

Worth Road, approximately 100.00 feet East of Haverhill Road Extension in a CG-General Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review submittal, the site plan shall be amended to indicate:
 - A. Compliance with all minimum property development regulations and Zoning Code requirements.
 - B. The relocation of a minimum twenty (20) foot access way across the southern end of the veterinarian clinic building to shorten the length of the eastern dead end parking area.
 - C. Minimum twelve (12) feet tall, native canopy trees, spaced twenty (20) feet on center, supplemented with hedge material thirty-six (36) inches high, spaced twenty-four (24) inches on center along the south and west property lines except where existing Queen Palms are located.
 - D. The petitioner shall preserve native vegetation located within the perimeter landscape strips and relocate or incorporate into site design any palms found on site.

3. Condition No. 2 of R-89-585 which presently states;

"2. Use of the site shall be limited to veterinary care with customary grooming and boarding of animals under the care of the veterinarian(s). All grooming and boarding activity shall take place entirely within an enclosed building."

is hereby amended to read as follows:

"Use of the site shall be limited to 7,150 square feet of veterinary clinic and grooming uses with no more than 3,700 square feet of retail uses. All grooming and boarding activities shall take place entirely within an enclosed building."

4. Condition No. 5 of R-89-585 which presently states;

"5. Petitioner shall provide additional landscaping along the north, east and west property lines abutting residentially zoned property in the form of 10-12 foot canopy trees planted 20 feet on center, excluding the portion of the east property line where the building abuts said property line. These trees shall be dispersed throughout the remaining perimeter

landscape strips."

is hereby deleted.

5. The petitioner shall voluntarily annex unto the City of Greenacres when possible but in no case sooner than after receiving a Certificate of Occupancy for Phase 11.
6. Prior to site plan approval the site plan shall be revised to comply with the requirements of the City of Greenacres Landscape Code which are not in direct conflict with Palm Beach County codes and do not require substantial redesign of the site.
7. 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.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. 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.
11. When requested, the property owner shall convey at **no** cost to Palm Beach County Land Development Division by road right-of-way warranty deed for Haverhill Road, 54.5 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. The property owner shall record proper reservation agreements acceptable to the Right of Way Acquisition Section prior to the issuance of a building permit.

12. The Developer 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 \$14,080.00 (256 trips X \$55.00 per trip).
13. In addition the Developer shall contribute the amount of \$1,939.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$16,019.00 shall be paid prior to the issuance of the first Building Permit.
14. 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 approval of the Resolution.

The motion **was** seconded by Commissioner Roberts 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

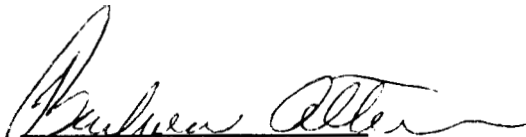
The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

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