

RESOLUTION NO. R-90- 1291

RESOLUTION APPROVING ZONING PETITION NO. 89-117  
SPECIAL EXCEPTION PETITION OF GEORGE E. WEAST, JR.

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. 89-117 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 25, 1990; 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. 89-117, the petition of GEORGE E. WEAST, JR., for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A LARGE SCALE SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET. THIS PETITION EXTINGUISHES THE SPECIAL EXCEPTION FOR WHOLESALE CHEMICALS UNDER PETITION NUMBER 82-147 on a parcel of land lying in Parcel I, IX and X of DEL MAR PLAZA SUBDIVISION NO. 1, Plat Book 41, Pages 108 to 110, Section 21, Township 47 South, Range 42 East; TOGETHER WITH an easement for the benefit of Parcel No. I, created by easement agreement, May 29, 1981, filed June 4, 1981, refiled April 7, 1982, Official Record Book 3534, Page 1661, refiled in Official Record Book 3703, Page 1115, for construction and maintenance of signs, over, under and across the following: A parcel being a portion of Parcel VIII DEL MAR PLAZA SUBDIVISION NO. 1, Plat Book 41, Page 108, being a 10.00 foot by 20.00 foot strip of land bounded on the South by the North line of a 20.00 foot Drainage easement, on the East by the West line of a 10.00 foot utility easement, on the West by a line 10.00 feet West of and parallel to said West line of utility easement, and on the North by a line 20.00 feet North of and parallel to the North line of said 20.00 foot drainage easement, said drainage and utility easements in Plat Book 41, Page 108; TOGETHER WITH a parcel being a portion of Parcel 11 DEL MAR PLAZA

SUBDIVISION NO. 1, Plat Book 41, Page 108, said portion of Parcel II being more particularly described as: A 10.00 foot by 20.00 foot strip of land, lying in the Southeast corner of said Parcel 11, bounded on the South and East by respectively the North and West lines of a 10.00 foot utility easement, said 10.00 feet by 20.00 foot strip being also bounded on the West by a line 20.00 feet West of and parallel to the aforementioned West line of a 10.00 foot utility easement and on the North by a line 10.00 feet North of and parallel to the aforementioned North line of a 10.00 foot utility easement in Plat Book 41, Pages 108; TOGETHER WITH an easement for Parcel No. 1 created by easement agreement date May 29, 1981, filed June 4, 1981, refiled April 7, 1982, Official Record Book 3534, Page 1686, refiled in Official Record Book 3703, Page 1106 for a non-exclusive easement for ingress and egress over, under and across; A parcel being a portion of Parcel VIII DEL MAR PLAZA SUBDIVISION NO. 1, Plat Book 41, page 108, being the East 25.00 feet of the West 47.50 feet of said Parcel VIII, and being located in a CG-General Commercial Zoning District, was approved on January 25, 1990 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Approval the site plan shall be amended to indicate:
  - a. Compliance with Zoning Code requirements and Land Development Regulations.
  - b. Compliance with Section 500.35 (Landscape Code) of the Palm Beach County Zoning Code, to the greatest extent possible by the use of supplemental vegetation on site to conform to:
    - 1) The minimum overall tree requirement (1 tree/2,500 square foot lot area - 233 trees minimum).
    - 2) The landscaping of interior parking areas and;
    - 3) The planting requirements of perimeter landscape buffers. All trees added shall have a minimum height of ten(10) feet, a six (6) foot spread and be native canopy trees.
  - c. All landscape areas shall be completely irrigated.
  - d. At the time of Building Permitting a complete set of landscape plans shall be submitted which demonstrate conformance to these conditions.
2. Use of the site shall be limited to a Planned Commercial Development with 154,612 gross square feet, subject to amendments allowed through the site plan review process. The facility shall be limited to a minimum of 2,370 square foot specialty shop or a combination of uses which do not generate more than an additional 1,040 vehicle trips/day.
3. Off-premises signs shall not be permitted on site.
4. No banners, flags, balloons, snipe signs, etc., shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.

5. Prior to Site Plan Review Approval the petitioner shall submit a recorded Unity of Control document acceptable to the Palm Beach County Attorney's office.
6. 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.**
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on 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 on site 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. 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 **\$57,200.00 (1,040 trips X \$55.00 per trip)**.
11. 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 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 7th day of August, 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

