

RESOLUTION NO. R-90-1892

RESOLUTION APPROVING ZONING PETITION NO. 80-61(A)
SPECIAL EXCEPTION PETITION OF REESE COMPANIES
BY ROBERT A. BENTZ, 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. 80-61(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 28, 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. 80-61(A), the petition of REESE COMPANIES, BY ROBERT A. BENTZ, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCREASE THE LAND AREA, AND INCREASE THE BUILDING SQUARE FOOTAGE, on a parcel of land lying on a portion of the northeast 1/4 of Section 25, Township 44 South, Range 42 east, Florida, described as follows: Commence at the north 1/4 corner said Section 25; thence south 01 degrees 31'00" west, along the north-south 1/4 section line, a distance of 1404.03 feet; thence south 88 degrees 29'00" east as measured at right angles to said north-south 1/4 section line, a distance of 53.00 feet to a point on the existing easterly right-of-way line of Military Trail, said point also being the POINT OF BEGINNING; thence south 87 degrees 16'54" east, a distance of 279.97 feet; thence south 01 degrees 30'42" west a distance of 500.48 feet; thence north 87 degrees 11'01" west, a distance of 255.58 feet; thence north 42 degrees 50'01" west, a distance of 34.95 feet to a point on said existing easterly right-of-way line of Military Trail; thence north 01 degrees 31'00" east along said existing right-of-way line of Military Trail, a distance of

475.56 feet to the POINT OF BEGINNING, and being located on the east side of Military Trail, approximately .2 mile south of Lake Worth Road in a CG-General Commercial Zoning District, was approved on June 28, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review).

ADVERTISING

4. NO objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.

DUMPSTERS

5. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a solid masonry wall having an architectural treatment harmonious with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

ENGINEERING

6. 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.
7. 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 at the time of the Building Permit presently is \$109,285.00 (1,987 trips X \$55.00 per trip).

8. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 26,700 gross leasable floor area shall not be issued until construction has begun for Melaleuca Lane as a 4/5 lane facility from Military Trail to Congress Avenue plus the appropriate paved tapers.
 - b. No Building Permits shall be issued for the site after January 1, 1993.

HEALTH

9. 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.
10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

IRRIGATION QUALITY WATER

12. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

LANDSCAPING

13. Landscaping shall be upgraded along the northern and eastern property lines where they abut residentially zoned properties to include:
 - a. Twelve (12) foot tall native canopy trees, twenty (20) feet on center;
 - b. One (1) native palm for each twenty (20) linear feet of frontage;
 - c. A thirty-six (36) inch tall hedge;
 - d. A six (6) foot tall solid masonry wall.
14. Trees shall be maintained at a minimum height of fifteen (15) feet and according to Arbor Society Standards.
15. All plant material shall be appropriately irrigated and maintained in a healthy and viable condition.

LANDSCAPE WITHIN MEDIAN

16. If permittable by the State Department of Transportation or County Engineering Department, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation.

All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner.

RECYCLE SOLID WASTE

17. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.

SIGNS

18. Point of Purchase signs shall be limited to three (3) free standing signs with a maximum sign area total of two hundred thirty-five (235) square feet with a maximum height of fifteen (15) feet. Signs shall be uniform in color and graphic representation.

SITE DESIGN

19. Building height shall be limited to a maximum of twenty-five (25) feet.
20. Use of the site shall be limited to 32,400 square feet of permitted retail uses.
21. Outdoor lighting used to illuminate the premises shall be a maximum of fifteen (15) feet tall, low intensity, shielded and directed away from adjacent properties and streets, and extinguished no later than 11:00 p.m.
22. No outdoor speaker or public address systems which are audible from the exterior of the building, shall be permitted on site.
23. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives.

VEGETATION PRESERVATION

24. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of vegetation shall be limited to the building pad areas, retention areas and vehicular use areas. The areas of preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code, during the site development and construction phase.

25. The mature slash pines along the north, south and east property lines shall be preserved. A preclearing inspection shall be scheduled to ensure preservation quality or approve alternative measures prior to site plan certification.
26. Prior to site plan certification, the petitioner shall submit a tree survey at 50 scale or an acceptable alternative to the Zoning Division and to the Department of Environmental Resources Management.

COMPLIANCE

27. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

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	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of November, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Andrew Altus*
COUNTY ATTORNEY

BY: *Michelle P. Brown*
DEPUTY CLERK