

RESOLUTION NO. R-904898

RESOLUTION APPROVING ZONING PETITION NO. 90-34
SPECIAL EXCEPTION PETITION OF
THE HILLHAVEN CORPORATION
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. 90-34 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 90-34, the petition of THE HILLHAVEN CORPORATION, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT. THIS PETITION EXTINGUISHES A PORTION OF PREVIOUSLY APPROVED ZONING PETITION NO. 81-116(A), on a parcel of land lying in the northeast 1/4 of Sections 6 and 5, Township 45 South, Range 43 East, commencing at the northeast corner of said Section 6; Thence south 00 degrees 16'35" east, along the east line of said Section 6, a distance of 1539.94 feet to the Point of Beginning; Thence north 89 degrees 43'25" east, a distance of 50.00 feet to a point in the east line of Congress Road; Thence south 00 degrees 16'35" east, along the said east line of Congress Road, said line also being 50.00 feet east of and parallel to the said east line of Section 6, a distance of 864.30 feet; Thence south 87 degrees 20'55" west, a distance of 17.21 feet; Thence south 00 degrees 16'35" east, a distance of 154.49 feet to a point on the curve of the easterly line of Congress Avenue from which the radius point on the curve of the easterly line of Congress Avenue from which the radius point bears south 80 degrees 13'38" west; Thence northwesterly along the said

easterly line of Congress Avenue by said curve concave to the southwest having a radius of 1970.08 feet, a central angle of 26 degrees 56'14", for an arc distance of 926.22 feet to a point; Thence with a bearing of north 10 degrees 44'57 east, a distance of 36.84 feet to a point; Thence with a bearing of north 58 degrees 12'35" east, a distance of 172.19 feet to a point; Thence with a curve to the right having a radius of 327.61 feet, a central angle of 31 degrees 30'50", and an arc length of 180.19 feet more or less to the Point of Beginning and being located on the southeast corner of the intersection of Donnelley Drive and Congress Avenue in a CG-General Commercial Zoning District, was approved on June 28, 1990 as advertised, subject to the following conditions:

STANDARD CONDITIONS:

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. 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

3. 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 except as may be permitted by the Sign Code.

BUILDING

4. Building height shall be limited to a maximum of thirty-five (35) feet.

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 compatible 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 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.

7. Use of the site shall remain as an accessory sales center for Freedom Village, Zoning Petition Number 86-31 (A). Any other use shall first be approved by the Board of County Commissioners as a separate zoning petition or the proposed use shall be discontinued.
8. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. Platting shall be completed prior to this issuance of a Certificate of Occupancy.

HEALTH

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.

IRRIGATION QUALITY WATER

11. 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

12. Landscaping shall be upgraded along the east property line to include:
 - a. Twelve (12) foot tall native canopy trees, placed 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.
13. Landscaping along Congress Avenue shall consist of ten foot (10') tall native canopy trees spaced thirty feet (30') on center and a twenty-four inch (24") high hedge a minimum of twenty-four inches (24") on center.

LIGHTING

14. Outdoor lighting used to illuminate the **premises** shall be low intensity, shielded and directed away from adjacent properties and streets, and shall be extinguished no later than 11:00 p.m.

RECYCLE SOLID WASTE

15. 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

16. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance Number 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.
17. Point of Purchase signs on Donnelly Drive shall be limited to three (3) signs not exceeding ten feet (10') in height and a total area of 133 square feet. Point of Purchase signs on Congress Avenue shall be limited to three (3) signs not exceeding fifteen feet (15') in height and a total of 450 square feet in area. Included in the total signs allowed on site shall be a monument sign located at the intersection of Congress Avenue and Donnelly Drive, similar in style to the existing monument sign for Meridian House at the northeast corner of Congress Avenue and Donnelly Drive.

SITE DESIGN

18. No outdoor speaker or public address systems which are audible from the exterior of the building shall be permitted on site.
19. 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, rights-of-way or interior drives.
20. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.
21. Use of this site shall be limited to a maximum of one (1) 3,500 square foot office building.
22. Sabal palms on site shall be preserved or relocated and incorporated into the site design.

VEGETATION REMOVAL

23. Prior to commencing with vegetation removal operations or any land development permits, the petitioner shall:
 - a. Clearly identify and mark all trees to be preserved.
 - b. Install appropriate protective barriers around individual and groups of trees to be preserved.
 - c. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.

COMPLIANCE

24. 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

BY: *Andrew Altier*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
JOHN B. DUNKLE
DEPUTY CLERK

