

RESOLUTION NO. R-91- 1067

RESOLUTION APPROVING ZONING PETITION NO. 76-135(D)  
SPECIAL EXCEPTION PETITION OF DALE ALEXANDER

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. 76-135(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 30, 1991; 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 the 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, Chapter 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. 76-135(D), the petition of DALE ALEXANDER, INC., BY SARA LOCKHART, AGENT, for a SPECIAL EXCEPTION FOR AN OUTDOOR STORAGE FACILITY (EXTINGUISHING A PREVIOUSLY APPROVED PID) lying on a parcel of land situated in Section 24, Township 43 South, Range 42 East, being more particularly described as follows: The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 43 South, Range 42 East, lying North of the F.E.C. Railway Company right-of-way (abandoned), and being located on the N.E. CORNER OF THE INTERSECTION OF INDUSTRIAL WAY AND HALL AVE., APPROXIMATELY .1 MILE E. OF MILITARY TR., IN THE IL ZONING DISTRICT, was approved on May 30, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. All previous conditions of approval shall be superseded by this petition, unless expressly modified herein.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. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be 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).

**B. ADVERTISING**

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 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.
2. 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.

**C. CONCURRENCY**

1. Prior to site plan certification, the petitioner shall amend Concurrency Case 90-11-16-4E to reduce the capacity approved on the site to the proposed 250 square feet of non-residential use.

**D. DUMPSTER**

1. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.
2. Prior to site plan certification, the site plan shall be amended to indicate a dumpster located in the northwestern corner of the property.

**E. ENGINEERING**

1. 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.

2. If required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
3. 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 **\$12,430.00 (226 trips X \$55.00 per trip)**.
4. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.
5. Property owner shall be permitted only one access along the west property line subject to approval by the County Engineer.
6. Engineering condition numbers **1** and **3** of Zoning Petition **76-135** are hereby deleted. Condition numbers **1** and **3** presently state:
  - "1. Developer shall construct Annette Street to County standards, from the development's west property line to Military Trail (S.R. **809**).
  3. Developer shall provide legal positive **outfall**."
7. Engineering condition numbers **3, 4, 5, 6, 7, 9** of Zoning petition **76-135(A)**, Resolution No. **R-87-1092**, are hereby deleted. These presently state:
  - "3. The Developer shall retain 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 **85%** of the stormwater runoff generated by a three (**3**) year-one (**1**) hour storm per requirements of the Permit Section, Land Development Division. 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 reviewed by the Code Enforcement Board for enforcement.
  4. The property owner shall construct a left turn lane, west approach on Industrial Way at the project's entrance road concurrent with on-site paving and drainage improvements.
  5. 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 presently is **\$7,876.00 (294 trips X \$26.79 per trip)**.

6. The property owner shall grant to Palm Beach County a fifteen (15) foot drainage easement on the east side and a twenty-five (25) foot drainage easement on the west side of the subject property prior to certification of the master plan.
7. Prior to Site Plan Certification the petitioner shall:
  - a) Petitioner shall submit a copy of an executed drainage Easement Deed for forty-five (45) feet along the north property line to the North Palm Beach Water Control District (NPBWCD). Provided the canal is relocated, a thirty-one (31) foot easement will be accepted subject to approval by the NPBWCD and the County Engineer. No obstructions or plantings are to be placed within this forty-five (45) foot easement.
  - b) Apply for and obtain a District permit from the NPBWCD prior to any on-site development work or building permit.
  - c) Record a Unity of title on the subject property.
9. Petitioner shall relocate the project's main access point to the west to a point as far away from adjacent residential development as possible to the satisfaction of the County Engineer."
8. Engineering condition numbers 13, 14, 15, 16, 17, 18, 19 and 25 of Zoning Petition 76-135(B), Resolution No. R-89-906, are hereby deleted and presently state:
  - "13. 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. 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 reviewed by the Code Enforcement Board for enforcement.
  14. The developer shall design the drainage system such that stormwater runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
  15. The property owner shall construct a left turn lane, west approach on Industrial Way at the project's entrance road concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of any Certificate of Occupancy.

16. 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 presently is **\$18,137.00** (677 trips X **\$26.79** per trip).
17. In addition the petitioner shall contribute the amount of **\$1,018.00** as established in Article 5 Section 1 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$19,155.00** shall be paid prior to the issuance of the first Building Permit.
18. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$1,818.00** shall be credited toward the increased Fair Share Fee.
19. The petitioner shall convey:
  - a) The North Palm Beach Water Control District a **31** foot easement along the project's north property line for the required right-of-way for the Equalizing Canal **No. EDB11-S**.
  - b) Palm Beach County a fifteen (**15**) foot wide drainage easement along the east property line and a **25** foot wide easement along the project's west property line.

This shall be an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project."

9. Condition **No. 9** of Zoning Petition **No. 76-135(A)**, Resolution **No. R-87-1092**, which presently states:
 

"9. Petitioner shall relocate the project's main access point to the west to a point as far away from adjacent residential development as possible to the satisfaction of the County Engineer."

Is hereby amended to read as follows:

The petitioner shall relocate the project's access point to a point **45** feet east of the project's west property line.

**F. ENVIRONMENTAL RESOURCES**

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.

G. HEALTH

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

H. LANDSCAPE - INTERIOR

1. Interior landscaping shall be provided in the form of landscaped terminal islands at the end of each row of parking bays. Each terminal islands shall contain a minimum of two (2) native canopy trees.
2. An area equal to 10% of the paved area shall be a landscape area transferred to the south and east property lines.

I. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

1. Landscaping along the north and east property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer.
  - b. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
  - c. A hedge, wall, fence, berm or combination presenting a visually opaque screen a minimum of six (6) feet in height at installation.
  - d. Native hedge or shrub material, a minimum of twenty-four (24) inches in height, planted twenty-four (24) inches on center.
  - e. All landscaping shall be placed on the exterior side of the landscape barrier.

J. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping shall include a fifteen (15) foot wide landscape buffer along the south property line, to include:
  - a. A six (6) foot CBS wall, stuccoed and painted on both sides, or a six foot prefab solid concrete wall with architectural treatment. The wall shall be designed in a manner consistent with surrounding development.

- b. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
- c. One native palm for each twenty (20) linear feet of frontage.
- d. Native hedge or shrub material, a minimum of twenty-four (24) inches in height, planted twenty-four (24) inches on center.
- e. Required landscaping shall be planted on the exterior side of the landscape barrier.

K. LANDSCAPING ALONG WEST PROPERTY LINE

- 1. Landscaping along the west property line shall be upgraded to include:
  - a. A minimum five (5) foot wide landscape buffer.
  - b. A six (6) foot tall fence.
  - c. Twelve (12) foot tall native canopy trees planted thirty (30) feet on center.
  - d. Required landscaping shall be planted on the exterior side of the required fence.

L. LIGHTING

- 1. Outdoor lighting used to illuminate the premises shall be a maximum of twenty (20) feet in height, low intensity, shielded and directed downward away from adjacent properties and streets.
- 2. All lighting, except for necessary security lighting, shall be limited to the hours of 7:00 a.m. to 7:00 p.m.

M. RECYCLE SOLID WASTE

- 1. 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.

N. SIGNS

- 1. Signs fronting on Industrial Way shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - 100 square feet.
  - c. Maximum number of signs - one (1) monument style.
- 2. No off-premise signs shall be permitted on site.
- 3. A warning sign shall be prominently displayed at the entrance that no storage of hazardous material shall be permitted on site.
- 4. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code.

O. SITE DESIGN

1. All parking and vehicular use areas shall be paved and striped according to Exhibit No. **75**.
2. **The proposed structure shall be of CBS or permanent frame construction.**

P. USE LIMITATION

1. No outdoor loudspeaker system shall be operated on site.
2. When this facility is not open, the parking area shall be locked and gated.
3. **No** repair or maintenance of vehicles shall be permitted on site.
4. NO outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
5. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, right-of-way or interior drives.
6. **Use** of the site shall be limited to storage of vehicles, including trucks, cars, boats, trailers, vans, and heavy equipment.
7. **Uses allowed on site shall not include cranes, drag lines or equipment greater than fifteen (15) feet in height or heavy equipment of a size that will not fit into a marked parking stall.**
8. The petitioner shall apply for and receive a permit from the Northern Palm Beach County Water Control District prior to any building or paving permits being granted, and prior to any site development activity.
9. No hazardous materials shall be stored on site.
10. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

Q. VEGETATION PROTECTION

1. Existing native trees on site shall be preserved or relocated on site.

R. COMPLIANCE

1. 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 Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *[Signature]*  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK  
BY: *Joan Haverly*  
DEPUTY CLERK

