

RESOLUTION NO. R-91- 1472

RESOLUTION APPROVING ZONING PETITION NO. 90-3(A)
SPECIAL EXCEPTION PETITION OF
LACECO, INC. & W. G. LASSITER, TRUSTEE

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. 90-3(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 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. 90-3(A), the petition of LACECO, INC. AND W. G. LASSITER, TRUSTEE, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED GENERAL COMMERCIAL DEVELOPMENT (PGCD) on a parcel of land lying west of High Ridge Road and south of Lantana Road (S.R. 812) in Tracts 37 and 38 of the hiatus between Township 44 South, Range 43 East; and in Government Lot No. 4, Section 4, Township 45 South, Range 43 East, and being more particularly described as follows: From the Southeast corner of Section 32, Township 44 South, Range 43 East, go in a Westerly direction along the South line of said Section 32 (said South line being also the centerline of S.R. 812) a distance of 40.0 feet to a point; thence turn an angle of 90°00'00" from West to South and go in a Southerly direction a distance of 40.00 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being the intersection of the South right-of-way line of S.R. 812 and the West right-of-way line of High Ridge Road; thence go in a Westerly direction along the South right-of-way line of S.R. 812 a distance of 117.60 feet to a point; thence turn an angle

of 91°50'07" from East to South and go in a Southerly direction a distance of 47.48 feet to a point, said point being the Northwest corner of Section 4, Township 45 South, Range 43 East; thence continue along the same line, said line being the West line of Section 4, a distance of 500.83 feet to a point, said point being on the South line of the North 500 feet to said Section 4; thence turn an angle of 86°18'45" from North to Easterly and go in an Easterly direction a distance of 55.43 feet to a point, said point being on the West right-of-way line of High Ridge Road; thence turn an angle of 106°18'33" from West to North and go in a Northerly direction along said West right-of-way line a distance of 81.09 feet to a point, said point being the Point of Curvature of a curve concave to the West and having a radius of 1,870.08 feet; thence go in a Northerly direction along the arc of said curve a distance of 472.97 feet to the POINT OF BEGINNING; SUBJECT TO an additional right-of-way for public road purposes for Lantana Road and an ingress and egress right-of-way for the benefit of Lots 5 and 6 of the PLAT OF LAKE OSBORNE PARK, as recorded in Plat Book 7 Page 10, and being located on the SW CORNER OF THE INTERSECTION OF LANTANA RD. AND HIGH RIDGE RD., was approved on July 25, 1991, as advertised, subject to the following conditions:

A. USE LIMITATIONS

1. Convenience stores, vehicle service stations (including, but not limited to, gasoline sales and/or vehicle maintenance/repair) and car washes shall be prohibited on the subject property.
2. No alcohol sales shall be permitted on site.
3. Hours of operation, including deliveries, shall be limited to 7 a.m. to 11 p.m.
4. Uses on the site shall be limited to the permitted uses in the Community Commercial (CC) Zoning District only.
5. Prior to November 30, 1991, the petitioner shall submit a revised site plan for this property to the Site Plan Review Committee, indicating a Planned General Commercial Development in conformance with the conditions of approval. The site plan shall meet the requirements of the Site Plan Review Committee by January 30, 1992, or be subject to the provisions of Zoning Code Section 402.6. The concurrency application for this site shall be submitted to reflect the revised site plan prior to site plan certification.
6. Building height shall be limited to a maximum of twenty-five (25) feet, measured from grade to the highest point.

B. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site shall be limited to the permitted uses within the Community Commercial (CC) Zoning District only and the site design approved by the Site Plan Review Committee. Any modifications must be approved by the

Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval.

C. ADVERTISING

1. 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.
2. 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.

D. DUMPSTER

- 1, All garbage and refuse receptacles shall be confined to a designated area. Designated areas shall be setback thirty (30) feet from the south and west property lines. 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 opaque gate.

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 100% of 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 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 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. Prior to November 1, 1991, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. High Ridge Road, 40.00 feet from centerline

All free of 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.

3. 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.

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff shall provide guidance on appropriate protective measures.
2. Underground storage tanks shall be prohibited on site.

G. HEALTH

1. The application and engineering plans to construct an on site sewage disposal system shall be submitted to the Health Unit prior to site plan certification.
2. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water.
3. Food service and/or food preparation shall not be permitted on-site until the property is connected to public sewer.

H. IRRIGATION QUALITY WATER

1. 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.

I. LANDSCAPING

1. Landscaping and buffering along the south and west property lines shall be supplemented as follows:
 - a. A six (6) foot high CBS stucco wall painted and maintained a color harmonious and compatible with adjacent development.
 - b. On the interior side of the wall, the property owner shall install twenty-four (24) inch high hedge or shrub material planted twenty-four (24) inches on center.
 - c. On the exterior side of the wall, the property owner shall install fourteen (14) foot tall native canopy trees every twenty (20) feet on center, and
 - d. A thirty-six (36) inch high hedge or ~~shrub~~ material planted twenty-four (24) inches on center.
 - e. The landscape buffer along the south property line shall be a minimum of twenty-five (25) feet in width.

R91 1472

2. Landscaping along Lantana Road and High Ridge Road shall be upgraded to include fourteen (14) foot tall native canopy trees planted twenty (20) feet on center and a thirty-six (36) inch high hedge or shrub material planted twenty-four (24) inches on center.
3. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 500.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991,

J. LANDSCAPE WITHIN MEDIAN

1. If permitted by the State Department of Transportation or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of: one twelve (12) foot tall native canopy tree planted an average of thirty (30) feet on center, 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. Landscaping shall be installed prior to April 25, 1992.

K. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed downward and away from adjacent properties and streets.
2. Outdoor lighting shall not exceed twenty (20) feet in height and shall be extinguished no later than 11:00 p.m.

L. PRESERVATION

1. Prior to site plan certification, the petitioner shall demonstrate that all native vegetation is preserved or relocated on site, in a manner acceptable to the Zoning Division.

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 Lantana Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - fifty (50) square feet.
 - c. Maximum number of signs - one (1) monument style.

R91 1472.

2. Signs fronting on High Ridge Road shall be limited as follows:
 - a. Maximum sign height - six (6).
 - b. Maximum total sign face area - 50 square feet.
 - c. Maximum number of signs - one (1) monument style.
3. No off-premise signs shall be permitted on site.
4. Prior to site plan certification, the petitioner shall submit a Master Sign Program which specifies sign location, dimensions, unified color and graphic representation.
5. 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 LIMITATIONS

1. The area which lies beyond the boundary of commercial land use for this property, as indicated in the 1989 Land Use Atlas, shall be reserved for landscaping, water retention or employee overflow parking only. A maximum of 20 parking spaces may be permitted in this area. Overflow parking for employees shall be permitted only as necessary in this area. Parking pavers may be permitted in this area as determined by the Zoning Division. Parking in this area shall be designated around existing native vegetation to be preserved, to the maximum extent possible.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, rights-of-way or interior drives.

P. 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 Phillips 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	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	ABSENT
Maude Ford Lee	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY


DEPUTY CLERK

R91 1472