

RESOLUTION NO. R-93-900

RESOLUTION APPROVING ZONING PETITION CA89-128(A)
CLASS A CONDITIONAL USE
PETITION OF THE SENECA GROUP

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA89-128(A) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA89-128(A), the petition of THE SENECA GROUP, by: KIERAN KILDAY, AGENT for a CLASS A CONDITIONAL USE allowing a BUILDING SUPPLIES, WHOLESALE in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 29, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

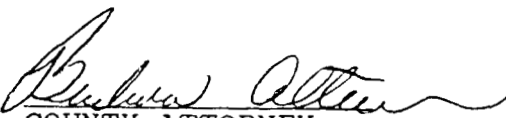
The motion was seconded by Commissioner Foster and, upon being put to a vote, the vote was as follows:

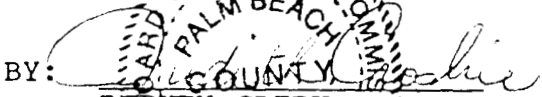
Mary McCarty, Chair	-- Aye
Burt Aaronson	-- Aye
Ken Foster	-- Aye
Maude Ford Lee	-- Absent
Karen T. Marcus	-- Aye
Warren Newell	-- Aye
Carol A. Roberts	-- Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

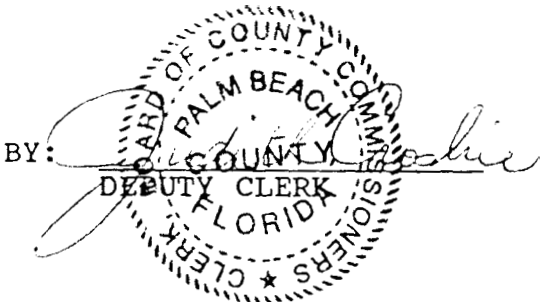


EXHIBIT A

LEGAL DESCRIPTION

THE SOUTH 230.00 FEET OF THE FOLLOWING DESCRIBED PARCELS OF LAND; SAID SOUTH 230.00 FEET IS AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF PARCEL "C" AS HEREINAFTER DESCRIBED:

PARCEL "A"

NORTH ONE-QUARTER (N 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), OF THE NORTHEAST QUARTER (NE 1/4), OF SECTION TWENTY-FIVE (25), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST, LESS RIGHT-OF-WAY OF STATE ROAD 802 AS SET FORTH IN OFFICIAL RECORD BOOK 442, PAGE 236, AND EXCEPTING THE WEST 53.00 FEET AS RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809).

PARCEL "B"

THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), OF THE NORTHEAST QUARTER (NE 1/4), OF SECTION TWENTY-FIVE (25), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST, EXCEPTING THE WEST 53.00 FEET AS RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809).

PARCEL "C"

THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) (LESS THE SOUTH 2 ACRES THEREOF), OF SECTION TWENTY-FIVE (25), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST, PALM BEACH COUNTY, FLORIDA, EXCEPTING THE WEST 53.00 FEET AS RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809).

CONTAINING: 3.235 ACRES

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD; APPLICABLE ZONING ORDINANCES AND TAXES SUBSEQUENT TO DECEMBER 31, 1985.

EXHIBIT B
VICINITY SKETCH

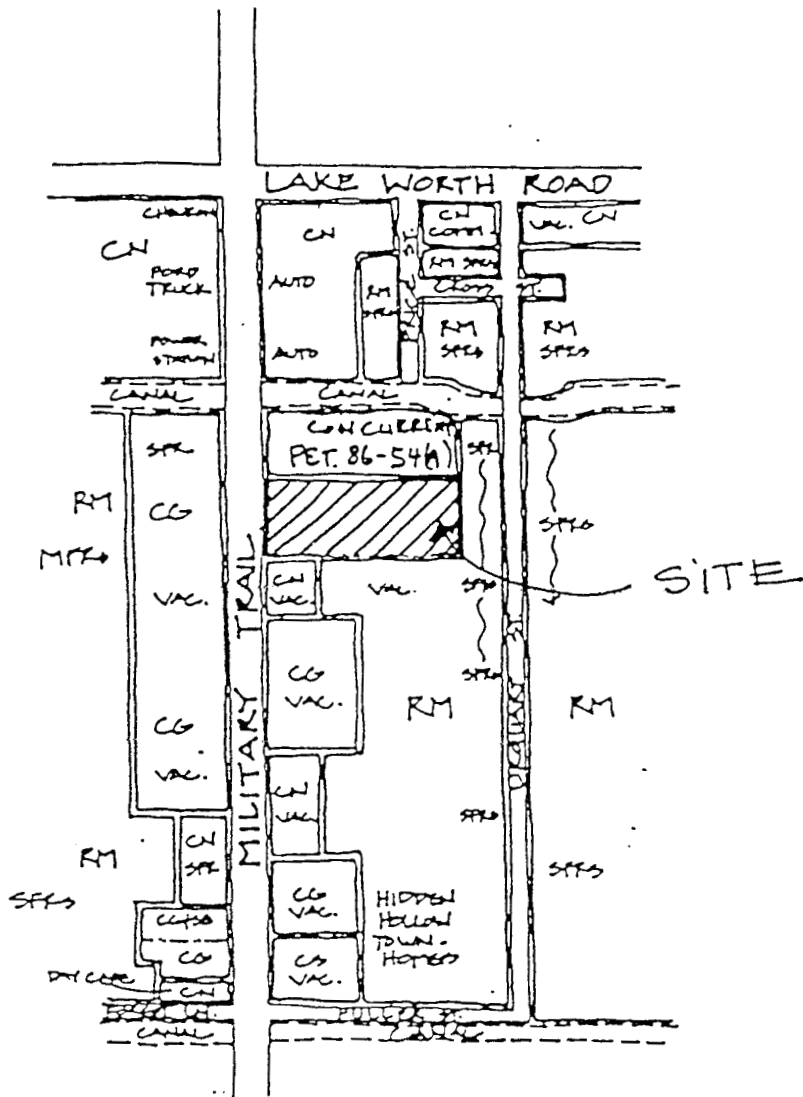


EXHIBIT C
CONDITIONS OF APPROVAL

A. GENERAL

1. Approval of Zoning Petition **CA89-128(A)** shall revoke the previous approval to allow a planned commercial development consisting exclusively of a self storage facility, Zoning Petition 89-128, Resolution R-90-1292 and the previous approval to allow an office/warehouse combinations Zoning Petition 86-54, Resolution R-86-1373.
(ZONING)
2. To insure that the intensity of the development as approved will not increase without further public hearing, except as allowed by code, use of the subject site shall be limited to a 30,000 square foot building supply, wholesale. Additional square footage may be obtained pursuant to Section 5.4.E.13 (Minor Deviations).
(ZONING)
3. Prior to site plan certification by the Development Review Committee, the petitioner shall revise the site plan to indicate:
 - a. conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval;
 - b. eliminate and relocate bay doors as necessary so that they are not located or oriented next to residential lands; and,
 - c. indicate all landscape islands necessary for the preservation of all required native vegetation in a manner and form acceptable to the Zoning Division.
(ZONING)

B. LANDSCAPE

1. To insure buffering for adjoining uses, all trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)
2. To insure buffering for adjoining uses, landscaping within the required buffer along the north east and south property lines from the rear of the primary structure shall be upgraded to include:
 - a. **A six (6) foot** high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) native palm trees for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,

- d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation planted along the exterior side of the required wall.

The required buffer along the east property line shall be placed along the west line of the drainage facility along the east property line (ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (BUILDING /ERM)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-1. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. **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 **\$18,810.00** (34 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. Prior to approval of the site plan by the Development Review Committee, the property owner shall record a cross access easement with the property owner to the north subject to approval by the County Engineer and the County Attorney's Office. (ENGINEERING/COUNTY ATTORNEY)

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or Field collected and transplanted from the project site.
 - b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)
 3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

G. LIGHTING

1. To insure compatibility with surrounding property, on site lighting shall be limited as follows:
 - a. All lighting fixtures shall not exceed fifteen (15) feet in height; and,
 - b. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (BUILDING/CODE ENFORCEMENT)

H. SIGNS

1. Point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - twenty (20) feet;
 - b. Maximum sign face area per side - 180 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)