

RESOLUTION NO. R-96- 260.2

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 90-4.4
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-260
WHICH APPROVED THE SPECIAL EXCEPTION OF
MARY A. SIMPSON
PETITION NO. 90-4

WHEREAS, the Board of County Commissioners, as the governing body, purouant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report SR 90-4.4 wa8 presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on February 22, 1996; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 90-4.4 and considered testimony presented by the applicant and other interested parties, and the recommendations of the varioe county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.
3. The property owner is attempting to work with the appropriate agenoies to clean this site which previously contained gasoline tanks.
4. with the approval of a Remedial Action Plan, partial site improvement6 can now be made.
5. Some site improvements if made prior to the aution required by the Remedial Action Plan could be damaged.
6. With the current leasing of trucks on site, the impacts requiring the payment of a Fair Share Fee are occurring prior to the payment of the fee,
7. Condition numbers E.3. and E.4. did not require the payment of a Fair Share Fee prior to the issuance of a building permit.
- a. No building permit has been issued.
9. Condition number G.1. contained no triggering mechanism to identify the deadline for compliance with the condition.

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WHEREAS, Section 5.3 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 the recommendation of Status Report No. SR 90-4.4, to amend Conditions of Approval of Resolution No. R-91-260, the Special Exception of Mary A. Simpson, Petition No. 90-4, which granted a Special Exception for an existing auto service station (no repairs); commercial truck rental facility, commencing at the Northeast corner of Tract A, Block 3, according to the Plat of the Palm Beach Farms Company Plat No. 7, as recorded in Plat Book 5, Page 72: Thence Southerly, along the East line of said Tract A, Block 23, a distance of 35.00 feet thereof to a point on the south right-of-way line of Lake Worth West Road (SR 802), and the POINT OF BEGINNING. Thence continue Southerly, along the East side of said Tract A, Block 3, and the East line of Tract B of said Block 3, a distance of 150.00 feet to a point. Thence Westerly, parallel with the North line of said Tract A, Block 3, a distance of 145.00 feet to a point. Thence Northerly parallel with the East line of said Tracts A and B, Block 3, a distance of 150.00 feet to a point on the South right-of-way line of Lake Worth Road (SR 802). Thence Easterly along the said South right-of-way line a distance of 145.00 feet to a POINT OF BEGINNING, being located on the south side of Lake Worth Road, approximately 0.1 of a mile west of Congress Avenue in the CC-Community Commercial zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly amended herein.
2. Condition number E.3. of Resolution R-91-260 which currently states:

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 \$3,080.00 (56 trips X \$55.00 per trip).

Is hereby amended to state:

On or before May 1, 1996, 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 \$3,080.00 (56 trips X \$55.00 per trip).

3. Condition number E.4. of Resolution R-91-260 which currently states:

The Developer shall contribute the amount of \$225.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$3,080.00 shall be paid prior to the issuance of the first Building Permit.

Is hereby amended to state:

The Developer shall contribute the amount of \$225.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic

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Performance Standards Code. These total funds of \$3,080.00 shall be paid on or before May 1, 1996.

4. Condition number G.1. of Resolution R-91-260 which currently states:

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 ton (10) 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,

Is hereby amended to state:

- a. Prior to June 1, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)
 - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on prior to October 1, 1996. (DATE: MONITORING - Landcape)
 - c. Declaration of Restrictive Covenants shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)
5. Condition number I.1. of Resolution R-91-260 which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the following. These improvements shall be installed prior to March 1, 1991.

- a. A ten foot (10') wide landscape buffer strip with an eight foot (8') tall wooden opaque fence and twelve foot (12') tall native canopy trees spaced no more than twenty feet (20') on center along the south property line;
- b. A five foot (5') wide landscape buffer strip with ten foot (10') tall native canopy trees spaced no more than thirty feet (30') on center and a thirty-six inch (36") high continuous opaque hedge along the east and west property lines;
- c. A five foot (5') wide landscape buffer strip with ten foot (10') tall trees spaced no more than thirty feet (30') on center and thirty-six inch (36") high continuous opaque hedge along the north property line, except between curb cuts. Trees may be planted in clusters not to exceed three trees. The maximum spacing of trees shall not exceed sixty feet (60');
- d. Delete oversized vehicle storage space.

Is hereby amended to state:

Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. A ten foot (10') wide landscape buffer strip with an eight foot (8') tall wooden opaque fence and twelve foot (12') tall native canopy trees spaced no more than twenty feet (20') on center along the south property line. (DRC: ZONING)
- b. A five foot (5') wide landscape buffer strip with ten foot (10') tall native canopy trees spaced no more than thirty feet (30') on center and a thirty-six inch (36") high continuous opaque hedge along the east and west property lines. (DRC: ZONING)
- a. A five foot (5') wide landscape buffer strip with ten foot (10') tall trees spaced no more than thirty feet (30') on center and thirty-six inch (36") high continuous opaque hedge along the north property line, except between curb cuts. Trees may be planted in clusters not to exceed three trees. The maximum spacing of trees shall not exceed sixty feet (60'). (DRC: ZONING)
- d. Delete oversized vehicle storage space. (DRC: ZONING)
- e. All improvements identified in this condition which will not be affected by the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection shall be installed

prior to September 1, 1996. A determination of which areas will not be affected will be made by the Palm Beach County Department of Environmental Resources Management. (DATE: MONITORING - DERM/Landscape)

- f. All improvements identified in this condition which will be affected by the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection shall be installed prior to September 1, 1997, or prior to the issuance of a building permit, whichever shall first occur. A determination of which areas will be affected will be made by the Palm Beach County Department of Environmental Resourcee Management. (DATE: MONITORING - DERM/Landscape)

6. Condition number 1.3. of Resolution R-91-260 which aurrently states:

The outdoor open storage area shall be used for the storage of rental trailers only, shall not exceed 800 square feet in area and shall be enclosed by a six (6) foot tall solid wood fence on all sides. The open end of the fenced enclosure shall have an obscuring opaque gate. Trees within the required rear landscape strip, adjacent to the open storage area, shall be planted ten (10) feet on center. These improvements shall be completed by March 1, 1991.

Is hereby amended to state:

- a. The outdoor open storage area shall be used for the storage of rental trailers only, shall not exceed 800 square feet in area and shall be enclosed by a six (6) foot tall solid wood fence on all sides. The open end of the fenced enclosure shall have an obscuring opaque gate. Trees within the required rear landscape strip, adjacent to the open storage area, shall be planted ten (10) feet on center.
- b. That portion of the requirements of this condition which will not be affected by the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection shall be installed prior to September 1, 1996. A determination of which areas will not be affected will be made by the Palm Beach County Department of Environmental Resources Management. (DATE: MONITORING - DERM/Landscape)
- c. That portion of the requirements of this condition which will be affected by the clean-up measures identified in the Remedial Action Plan approved by the Florida Department of Environmental Protection shall be installed prior to September 1, 1997. A determination of which areas will be affected will be made by the Palm Beach County Department of

Environmental Resources Management. (DATE: MONITORING - DERM/Landscape)

Commissioner Roberts moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	---	Aye
BURT AARONSON	---	Aye
MAUDE FORD LEE	---	Aye
KAREN T. MARCUS	---	Absent
MARY MCCARTY	---	Aye
WARREN H. NEWELL	---	Aye
CAROL ROBERTS	---	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 22 day of February, 1996.

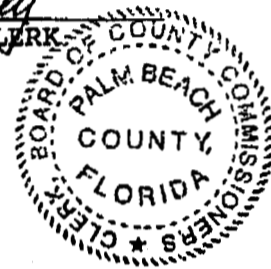
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
DEPUTY CLERK



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