

RESOLUTION NO. R-89-906

RESOLUTION APPROVING ZONING PETITION NO. 76-135(B)  
SPECIAL EXCEPTION AND MODIFICATION OF COMMISSION  
REQUIREMENTS PETITION OF DALE W. ALEXANDER, INC.

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 Ordinance No. 73-2 have been satisfied: and

WHEREAS, Petition No. 76-135(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 1988: and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 76-135(B), the petition of DALE W. ALEXANDER, INC., by Anna Cottrell, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT TO REDESIGN THE SITE, WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on 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, being located on the northeast corner of the intersection of Industrial Way and Hall Avenue, approximately .1 mile east of Military Trail (SR 809) in an IL-Light Industrial Zoning District, was approved as advertised, subject to the following amended conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification the site plan shall be amended to indicate the following:

- a. Four **(4)** **20** x **60** loading areas which are clearly striped and labelled "loading zone only;" and
  - b. Appropriate notation indicating the application of an "Alternative Landscape Betterment Plan Proposal" which clearly identifies the deviations from Section **500.35** of the Zoning Code; and
  - c. Fifteen **(15)** foot wide landscape strip along the southern property line.
3. Condition **No. 8** of Zoning Petition **No. 76-135(A)**, Resolution **No. R-87-1092**, which presently states:
- "8. Developer shall provide additional landscaping along the southern property line in the form of:
- a. A single row **of** ten **(10)** to twelve **(12)** foot high mahogany trees planted twenty **(20)** foot on center; and
  - b. A thirty-six **(36)** inch high hedge of native plant material planted twenty-four **(24)** inches on center; and
  - c. Spaces between structures shall be screened with native plant material, a minimum of eight **(8)** feet in height."

Is hereby amended to read as follows:

- "8. Developer shall provide additional landscaping along the southern property line in the form of:
- a. **A** single row of twelve **(12)** to fifteen **(15)** foot high native canopy trees planted twenty **(20)** foot on center; and
  - b. **A** thirty-six **(36)** inch high hedge planted twenty-four **(24)** inches on center."
4. The petitioner shall submit an alternative Landscape Betterment Plan with the Site Plan Review Committee application to allow some flexibility in the elimination of interior landscape islands and the subsequent relocation **of** landscape islands and required shade trees.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking **of** vehicles is to be allowed in landscaped areas, rights-of-way, drainage easements, **or** interior drives.
6. **No** outside storage of disassembled vehicles or parts thereof shall be permitted on site.
7. The petitioner shall, at a minimum, landscape the site **as** indicated on exhibit **No. 47**.

8. No outdoor loudspeaker system shall be permitted on site.
9. No storage or placement of any materials, refuses, equipment or accumulated debris shall be permitted on site.
10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
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 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. 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.
14. The developer shall design the drainage system such that storm water 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 onsite 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 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 V Section 3

(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 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.

20. No off-premise signs shall be permitted on the site.
21. The dumpster shall be located along the north property line to avoid any possible conflict with the residential neighborhood to the south.
22. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
23. All manufacturing and industrial service uses shall take place entirely within enclosed buildings. No industrial operations on premises, such as the use of compressors, shall take place in any way that is audible from neighboring residential properties. No automobile paint and body shop, or heavy equipment repair shall take place on site.
24. The petitioner shall install along the southern property line, a six (6) foot masonry wall and earth berm combination, supplemented with native canopy trees twelve (12) to fifteen (15) feet high, planted twenty (20) feet on center, and a thirty-six (36) inch hedge planted twenty-four (24) inches on center. The landscaping shall be installed and maintained on the south side of the proposed wall to buffer the use from the mobile home residences.

25. Condition No. 9 of Zoning Petition No. 76-135(A), Resolution No. 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 to a point 45 feet east of the project's west property line."

26. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Wilken moved for approval of the petitioner. The motion was seconded by Commissioner Marcus and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of June 23, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY :

*Barbara Altman*  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *James J. Hooley*  
DEPUTY CLERK

