

RESOLUTION NO. R-90- 821

RESOLUTION APPROVING ZONING PETITION NO. 89-94
SPECIAL EXCEPTION PETITION OF RONALD C. TURNER

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. 89-94 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1989; 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 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, 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. 89-94, the petition of RONALD C. TURNER, for a SPECIAL EXCEPTION FOR COMMERCIAL SALES AND SERVICE OF AN AGRICULTURAL NATURE (LANDSCAPE NURSERY AND ACCESSORY USES) on a parcel of land lying in the North 3/4 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 27, Township 45 South, Range 42 East, less the East 40.00 feet thereof; less the required right-of-way for Lake Worth drainage district lateral Canal No. 24, sheet 82 of 240 sheets of the Lake Worth Drainage District right-of-way maps and less the right-of-way for State Road 804 (Boynton West Road), being located on the Southwest corner of the intersection of Boynton Beach Boulevard (SR 804) and El Clair Ranch Road in a AR-Agricultural Residential Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. Prior to site plan review committee application, the site plan shall be amended to indicate:
 - a. Compliance with all applicable Zoning Code requirements and Subdivision Ordinances and Regulations.

- b. Forty (40) of the fifty (50) excess parking spaces shall be eliminated for a total of forty-five (45) on site parking spaces.
 - c. Required perimeter landscape strips separating vehicular use areas from exterior property lines shall be upgraded with minimum twelve (12) foot tall native Canopy trees spaced twenty (20) feet on center and a maximum thirty (30) inch hedge spaced twenty-four (24) inches on center. The remainder of the site shall provide landscape alternative No. 3 around the perimeter.
2. Signage shall be limited to one (1) seventy-five (75) square foot sign along Boynton West Road and one (1) fifty (50) square foot sign along El Clair Ranch Road.
3. Use of the site shall be limited to a 5,000 square foot commercial farm implement sales and nursery stock sales and a 300 square foot fruit stand.
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar 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 as may be permitted by the Sign Code.
5. Building height shall be limited to a maximum height of thirty (30) feet.
6. Lighting shall be shielded, a maximum height of eighteen (18) feet, low intensity, and directed away from nearby residences and right-of-way.
7. 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 or interior drives.
8. Use of the site shall be limited to: Agriculturally related sales and service such as feed and grain, fruits and vegetables, fertilizer and seed, plants and other nursery products. There shall be no retail sales of prepared foods or other consumer products.
9. Vehicles used for product storage shall only be parked within designated loading and storage areas and shall not be visible from road right-of-way.
10. At the time of site plan review committee application submittal, the petitioner shall submit a recorded unity of control document, acceptable to the County Attorney's Office, to the Zoning Division.
11. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).

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**. 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.
14. Prior to January 1, 1990 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. Boynton Beach Boulevard, a total of 140 feet on an alignment approved by the County Engineer.
 - b. El Clair Ranch Road, 60.5 feet from centerline free of all 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.
15. No access shall be permitted onto Boynton West Road until Boynton West Road has been constructed as a 4 lane median divided section.
16. 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. The Fair Share Fee for this project presently is \$11,990.00 (218 trips X \$55.00 per trip).
17. The property owner shall convey to the Lake Worth Drainage District the 80 feet south of and adjacent to the south right-of-way line of S.R. 804 of the subject property for the required right-of-way for Lateral Canal No. 24, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project. This property shall be in addition to the right-of-way as required for the expanded intersection as outlined in the conditions above.

18. Failure to comply with any conditions of approval 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 Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK