

RESOLUTION NO. R-90- 1311

RESOLUTION APPROVING ZONING PETITION NO. 90-7  
SPECIAL EXCEPTION PETITION OF WILLIE H. DAY AND JACK E. COOK  
BY DEAN TURNEY, AGENT

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. 90-7 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 90-7, the petition of WILLIE H. DAY AND JACK E. COOK, BY DEAN TURNEY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL DEVELOPMENT OFFICE/WAREHOUSE on a parcel of land lying on the North 360.00 feet of Tract 10, Block 4, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, less the West 200.00 feet of the East 210.00 feet of the North 300.00 feet thereof, less the West 7.00 feet of the South 300.00 feet of the North 360.00 feet thereof, lying in Section 28, Township 43 South, Range 42 East and being located on the southeast corner of Skees Road and Hoffman Road in an IL-Light Industrial Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. Prior to Site Plan Review the site plan shall be amended to indicate:
  - a. Upgrade perimeter buffers along the west and north property lines including minimum ten (10) feet high native canopy trees, spaced a maximum of twenty (20) feet on center with a minimum thirty

(30) inch hedge spaced twenty-four inches on center. Further, along the northern property line, landscape shall be located on the exterior of a six (6) foot high decorative masonry wall.

- b. Compliance with all minimum property development regulations and land development requirements.
2. **No** outdoor speakers or public address systems which are audible from the exterior of the development shall be allowed on site.
3. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
4. **No** advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. **No** gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site.
5. **No** off premise signs shall be permitted on site.
6. 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.
7. There **is** a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification.
8. 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.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
12. 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 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.

13. If required by the County Engineer **or** the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder **of** the site.
14. Prior to July 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 Skees Road, 40 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. The Property owner shall construct a left turn lane, north approach on Skees Road at the project's entrance road. Construction shall begin prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first 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 \$50,545.00 (919 trips X \$55.00 per trip).
17. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall:
  - a. record a Unity **of** Control on the subject property subject to approval by the County Attorney
  - b. align the proposed drive with Zoning Petition 87-32(A) .
18. **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 Marcus moved for approval of the Resolution.

The motion **was** seconded by Commissioner Howard 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 7th day of August, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS **BOARD** OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

