

RESOLUTION NO. R-90- 1434

RESOLUTION APPROVING ZONING PETITION NO. 82-16(A)
SPECIAL EXCEPTION PETITION OF REESE COMPANIES

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. 82-16(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 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. 82-16(A), the petition of REESE COMPANIES, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION to permit a PLANNED COMMERCIAL DEVELOPMENT (RETAIL SALES) on a parcel of land, being a portion of the Northeast 1/4 of Section 25, Township 44 South, Range 42 East; commencing at the center of said Section 25; Thence North 01 degree 31'00" East along the North-South 1/4 Section line, a distance of 38.72 feet; Thence South 88 degrees 29'00" East as measured at right angles to said North-South 1/4 Section line, a distance of 53.00 feet to a point on the existing Easterly right-of-way line of Military Trail, said point also being the POINT OF BEGINNING; Thence North 01 degrees 31'00" East along said existing Easterly right-of-way line of Military Trail, a distance of 220.07 feet; Thence South 87 degrees 05'08" East, departing said right-of-way line, a distance of 280.08 feet; Thence South 01 degree 30'42" West, a distance of 220.07 feet; Thence North 87 degrees 05'08" West, a distance of 280.10 feet to a POINT OF BEGINNING and being located on the Northeast corner of the intersection of Military Trail and Fuller St. in the CG-Commercial General Zoning was approved on May 2, 1990, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval the site plan shall be amended to show:
 - a. The reconfiguration of the parking area and building to provide for 90 degree parking spaces along the southern street property line. Five

parallel parking spaces along the northeastern property line (adjacent to the loading area) shall be eliminated and replaced with landscape islands. These landscape islands shall be planted with:

- 1) One ten (10) foot tall canopy tree for each additional ninety (90) square feet of landscape area.
- 2) One native palm for each additional 180 square feet of landscape area.

All required landscaping shall be installed on the exterior side of required walls.

- b. The loading area shall be reoriented to a north and south direction and shall be enclosed by an eight (8) foot tall wing wall.
 - c. An upgraded buffer along the eastern property line abutting residential zoning consisting of native canopy trees, sixteen (16) feet in height and spaced fifteen (15) feet on-center planted on the exterior side of a six (6) foot high solid masonry wall constructed along the eastern property line.
 - d. The dumpster shall be located on the west side of the building.
2. No point of purchase sign shall be permitted along the Fuller Street frontage.
 3. The petitioner shall be permitted two (2) point of purchase signs fronting on Military Trail. These signs shall be limited to a maximum of ten feet (10') in height and 130 feet in total sign area along Military Trail frontage. Prior to Site Plan Review Committee approval, the petitioner shall submit a Master Sign Program which specifies sign location, sign size, unified color and graphic representation.
 3. No advertising flags, foreign flags, pennants, banners, streamers, balloons, or other illegal signs, 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. No off-premise signs shall be permitted on-site.
 4. Retail and inventory storage shall occur within an enclosed building area and shall not be visible from adjacent road rights-of-way.
 5. Use of the site shall be limited to a 12,600 square foot retail building:
 - a. Buildings shall be limited to a maximum height of twenty-five feet (25').
 - b. No restaurant or convenience store shall be permitted in the east wing of the building.
 6. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way or interior drives.

7. In order to avoid an incompatible appearance upon adjacent residential areas, all facades of the structures shall be given equal architectural treatment.
- a. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.
9. No storage or placement of any stock materials, refuse equipment or accumulated debris, shall be permitted behind the Planned Commercial Development.
10. All site lighting shall be of low intensity, shielded and directed away from residentially zoned property. Lighting fixtures on the east side of the building shall be limited to a maximum of twelve (12) feet in height. Double headed lights shall be required adjacent to Fuller Street.
11. All trash receptacles shall be completely screened by a six (6) foot high solid wooden fence or landscaping.
12. No stock loading will be permitted between the hours of 8:00 p.m. and 7:00 a.m.
13. No outdoor loud speaker system shall be permitted on site.
14. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
15. 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.
16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
18. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.
19. 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.

20. 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 \$58,740.00 (1,068 trips X \$55.00 per trip)**.
21. The property owner shall construct a four foot (4') concrete sidewalk prior to issuance of a Certificate of Occupancy along Fuller Street. The sidewalk shall include curb and gutter.
22. The petitioner shall enter into a cross access agreement with the property to the north (if acceptable to that property owner). This agreement shall be submitted and the site plan redesigned prior to Site Plan Review Committee approval to provide for cross access.
23. 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 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

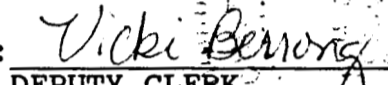
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

