

RESOLUTION NO. R-90- 1458

RESOLUTION APPROVING ZONING PETITION NO. **90-29**
SPECIAL EXCEPTION PETITION OF REESE COMPANIES
BY ROBERT A. BENTZ, 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. **90-29** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May **24, 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. **90-29**, the petition of REESE COMPANIES, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT on a portion of the Northeast **1/4** of Section **25**, Township **44** South, Range **42** East, described as follows: Commence at the center of said Section **25**; Thence North **01** degrees **31'00"** East along the North-South **1/4** section line, a distance of **538.71** 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 **131.47** feet; Thence North **47** degrees **09'59"** East a distance of **35.75** feet; Thence departing said Easterly right-of-way line, South **87** degrees **11'01"** East, a distance **of 254.45** feet; Thence South **01** degrees **30'42"** West, a distance of **157.04** feet; Thence North **87** degrees **11'01"** West, a distance of **280.04** feet to a POINT **OF** BEGINNING, and being located on the east side of Military Trail, approximately **.3** mile south **of** Lake Worth Road in a CG-General Commercial Zoning District, was approved on May **24, 1990** as advertised, subject to the following conditions:

1. This special exception is grant concurrent with a rezoning. Any other use other than a financial institution shall be subject to a subsequent special exception.
2. Compatibility buffering shall be provided along the perimeter of the site as follows:
 - a. Along the north property line: a five (5) foot wide landscape buffer with a thirty-six inch (36") tall hedge and ten (10) foot tall trees spaced no more than thirty (30) feet on center.
 - b. Along the south property line: a five (5) foot wide landscape buffer with a thirty-six inch (36") tall hedge and ten (10) foot tall trees spaced no more than thirty (30) feet on center on the interior side of the wall.
 - c. Along the east property line: a five (5) foot landscape buffer strip with a six (6) foot masonry wall constructed of the same material as the principal structure and ten (10) foot tall trees spaced no more than twenty (20) feet on center on the exterior side of the wall.
 - d. Along the west property line: a fifteen (15) foot wide landscape buffer with a thirty-six inch (36") tall hedge and ten (10) foot tall trees spaced no more than thirty (30) feet on center.
3. All landscape areas shall be completely irrigated.
4. Outdoor lighting used to illuminate the premises and/or advertising shall be of low intensity, shielded and directed away from adjacent properties, shining only on the subject property and shall be extinguished no later than 11:00 p.m.
5. The garbage dumpster shall be screened from view on three sides by a six foot (6') enclosure made of the same material as the principal structure. The open area of the enclosure shall have an obscuring gate. The dumpster shall be relocated 150 feet west of the east property line.
6. No garbage pickup shall be permitted between 8:00 p.m. and 8:00 a.m.
7. 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.
8. A pre-clearing inspection shall be required prior to site plan certification. The inspection shall indicate which native species shall be preserved or relocated. Native trees shall be preserved to the maximum extent possible or relocated to the perimeter buffer.
9. No point of purchase signs shall be permitted on the northern access drive.

10. All roof mounted mechanical and/or air conditioning equipment shall be screened within parapets or contained within an enclosed service area.
11. **No** off-premise signs shall be permitted on site.
12. 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.
13. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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.
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 at the time of the Building Permit presently is **\$74,360.00 (1,352 trips X \$55.00 per trip)**.
17. If permissible by the State Department of Transportation or County Engineering Department, the petitioner shall landscape the median of all abutting right-of-ways. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and 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.
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 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: *Buckan Altman*
COUNTY ATTORNEY

BY: *Mike Berling*
DEPUTY CLERK