

RESOLUTION NO. R-90-1897

RESOLUTION APPROVING ZONING PETITION NO. **90-25**  
SPECIAL EXCEPTION PETITION OF SYNERGY **GAS** CORPORATION  
BY DENNIS P. KOELER, 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. **90-25** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June **28**, **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. **90-25**, the petition of SYNERGY GAS CORPORATION, BY DENNIS P. KOELER, AGENT, for a SPECIAL EXCEPTION FOR AN EXISTING PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES (PROPANE STORAGE) on a parcel of land lying in a portion of Tract **1**, in Block **67**, the Palm Beach Farms Company Plat No. **3**, in Plat Book **2**, Pages **45** through **54** inclusive, more particularly described as follows: Beginning at a point on the west right-of-way line of State Road **#7** which point is **420.00** feet south measured along said right-of-way line from the north line of Tract **1**, Block **67**, thence South along the west right-of-way line of State Road **f7** a distance of **165.00** feet, thence west parallel to the north line of Tract **1** a distance of **528.00** feet, thence north parallel to the west right-of-way line of State Road **#7**, a distance of **165.00** feet, thence east parallel to the north line of Tract **1** to the Point of Beginning, less the right-of-way for State Road **199**, and being located on the west side of U.S. **441** approximately **.1** mile south of **150th** Street south in an AR-Agricultural Residential Zoning District, was approved on June **28**, 1990 as advertised, subject to the following conditions:

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements and shall include:
  - a. Prior to site plan certification the petitioner shall receive a variance from the 100' front setback requirement in the Agricultural Residential (AR) Zoning District.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).
3. The use of the site shall be exclusively for the purpose of the storage and distribution of propane gas. No subletting of space within the building shall occur.

#### ADVERTISING

4. Objects, gimmicks or advertising designed to attract the public's attention off-site shall not be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.

#### BUILDING DESIGN

5. Maximum building height shall not exceed thirty-five (35) feet.
6. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or contained within an enclosed loading and service area.

#### DUMPSTER

7. The dumpster shall be located to provided adequate access and adequate back-up area to trash collecting vehicles. The dumpster shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

#### ENGINEERING

8. 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.

9. Prior to September 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 State Road 7, 240 feet west of the existing west right-of-way line of the E-1 Canal 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.
10. The Property owner shall construct a left turn lane, south approach on State Road 7 at the project's entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
11. 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 \$4,455.00 (81 trips X \$55.00 per trip).
12. In addition, the Developer shall contribute the amount of \$109.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$109.00 shall be paid prior to the issuance of the first Building Permit.

#### ENVIRONMENTAL RESOURCES MANAGEMENT

13. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals-is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.

#### HEALTH

14. 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.

#### IRRIGATION UUALITY WATER

15. When irrigation qualitywater is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

#### LANDSCAPING

16. A fifteen (15) foot landscape buffer strip shall be provided along the east property line with twelve (12) foot tall trees spaced no more than thirty (30) feet on center supplemented with a thirty-six (36) inch tall hedge.
17. A five (5) foot landscape buffer strip shall be provided along the north, south and west property lines with ten (10) foot tall trees spaced no more than thirty (30) feet on center.
18. A minimum of 58 trees shall be required on site.
19. Existing native vegetation in the dry detention area shall be preserved. Trees preserved shall not be credited toward the minimum tree requirement.

#### LIGHTING

20. Outdoor lighting used to illuminate the premises shall be a maximum of (15) feet tall, low intensity, shielded and directed away from adjacent properties and streets.
21. Artificial lighting used to illuminate the premises and/or signage shall be of low intensity directed away from adjacent properties and extinguished no later than 11:00 p.m.

#### RECYCLE SOLID WASTE

22. The petitioner 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.

#### SIGN CONTROL

23. The petitioner shall be permitted no more than two (2) point of purchase signs on site. Each sign shall be limited to a maximum of fifteen (15) feet in height and 82 square feet in total sign area along State Road 7 (U.S. 441) 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.

#### COMPLIANCE

24. 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          | -- | ABSENT |

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of November, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, CLERK

BY: *Richard Altman*  
COUNTY ATTORNEY

BY: *Mitchell P. Brown*  
DEPUTY CLERK

