

RESOLUTION NO. R-91- 371

RESOLUTION APPROVING ZONING PETITION NO. 87-124(A)
SPECIAL EXCEPTION PETITION OF SYSTEMS CONTROL, INC.

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. 87-124(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on November 29, 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 the 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, Chapter 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. 87-124(A), the petition of SYSTEMS CONTROL, INC., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PREVIOUSLY APPROVED PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE A FINANCIAL INSTITUTION WITH THREE (3) DRIVE UP TELLER WINDOWS, AND AN AUTO SERVICE STATION WITH AN ACCESSORY CAR WASH FACILITY on a parcel of land lying in Section 6, Township 44 South, Range 43 East and also being part of Tracts 8 and 1, Block 4, "Palm Beach Plantations Plat No. 1", Plat Book 10, Page 20, described as follows: Commence at the southeast corner of said Section 6; thence run along the easterly line of said Section 6, North 3°07'00" east, a distance of 1064.32 feet; thence north 87°00'41" west, a distance of 67.00 feet to the point of beginning, on the west line of Congress Avenue; thence with the outlines of Parcel 1 of Book ,3917, Page 7, North 87°00'41" west, a distance of 200.00 feet; thence south 3°07'00" west, a distance of 152.72 feet; thence with the north line of Parcel 3, of said Book 3917 Page 7, north 87°00'41" west, a distance of 396.35 feet; thence with a portion of the west line of O.R. Book 1371, Page 395, North 2°59'19" east 651.53 feet; thence along the south line of Summit Boulevard as shown on Palm Beach County Florida Engineering Department Drawing

No. 84124, Sheet 6 of 8, South 88°00'28" east a distance of 185.85 feet; thence south 84°49'40" east a distance of 180.28 feet; then south 88°00'28" east, a distance of 81.88 feet; thence with the outlines of O.R. Book 1590, Page 492, South 3°07'00"; thence west, a distance of 190.00 feet, thence south 88°00'28" east, a distance of 150.00 feet; thence along the west line of Congress Avenue as shown on State of Florida State Road Department Right-Of-Way Map Section No. 93580-2601, Sheet 7 of 8, South 3°07'00" west, a distance of 309.20 feet to the point of beginning, and being located APPROXIMATELY 170 FT. FROM THE S.W. CORNER OF INTERSECTION OF SUMMIT BLVD. AND CONGRESS AVE. IN THE CG ZONING DISTRICT, was approved on November 29, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be 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).

NOTE: The following conditions shall apply to Parcel A only, unless otherwise specified:

B. ADVERTISING

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.
2. No 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 except as may be permitted by the Sign Code.

C. AUTO SERVICE (WITH REPAIRS)

1. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
2. The car wash facility shall use a water recycling system.
3. Vehicles shall not be tested off site on residential streets.
4. There shall be no outdoor repair of vehicles.

D. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection

devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

E. ENGINEERING

- E1. The Property owner shall repave the existing north/south common driveway easement and install pavement markings subject to approval by the County Engineer concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
- E2. 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 at the time of the Building Permit is \$202,345.00 (3,679 trips X \$55.00 per trip).
- E3. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended.
- E4. In order to comply with the mandatory Traffic Performance Standards, Parcel B shall be allowed building permits for 1,500 external trips. However, building permits for Parcel A, for more than 1,797 external trips, shall not be issued until construction has begun for the 4/5 laning of Summit Boulevard from Florida Mango Road to Congress Avenue, plus the appropriate tapers.

F. ENVIRONMENTAL RESOURCE MANAGEMENT

1. The approval of the Department of Environmental Resources Management shall be required prior to any on-site dewatering.

G. FEALTY

1. 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.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. 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 Florida Administrative Code.

H. IRRIGATION QUALITY WATER

1. When irrigation quality water 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.

I. LANDSCAPE

1. Landscaping along the perimeter of Parcel A, including the landscape strip along the common driveway easement, shall include fourteen (14) foot tall native canopy trees, planted twenty (20) feet on center.
2. Landscaping along Parcel A's frontage on Congress Avenue shall include a six (6) foot tall hedge and berm combination, supplemented with twelve (12) foot tall native canopy trees, planted twenty (20) feet on center.
3. All interior driveways shall have a minimum five (5) foot wide landscaped median on both sides of the length of the driveway, supplemented with twelve (12) foot tall native canopy trees, planted twenty (20) feet on center.

J. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

K. RECYCLE SOLID WASTE;

1. 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.

L. SIGN

1. signs fronting on Summit Boulevard shall be limited as follows:
 - a. Maximum sign height - fifteen (15) feet.
 - b. Maximum total sign face area - 90 square feet.
 - c. Maximum number of signs - one (1).
2. Signs fronting on Congress Avenue:
 - a. Maximum sign height - fifteen (15) feet.
 - b. Maximum total sign face area - 150 square feet.
 - c. Maximum number of signs - one (1).
3. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code.

M. SURVEY

1. Prior to Site Plan Certification, the petitioner shall submit a corrected survey clearly indicating Parcels A, B and C.

N. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be operated on site between the hours of **6:00** p.m. and **8:00** a.m.
2. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
3. 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, right-of-way or interior drives.
4. Prior to site plan certification, the petitioner shall amend the site plan and the Concurrency Exemption (Case **#90-03-02-007E**) to reflect **75,824** total square feet.

O. COMPLIANCE

1. 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 Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

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

