

25/43/42

RESOLUTION NO. R-91- 372

RESOLUTION APPROVING ZONING PETITION NO. 89-56(A)
SPECIAL EXCEPTION PETITION OF HIGHLANDS BUSINESS PARK

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. 89-56(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. 89-56(A), the petition of HIGHLANDS BUSINESS PARK, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL DEVELOPMENT AND TO AMEND THE SITE PLAN FOR THE PREVIOUSLY APPROVED OFFICE/WAREHOUSE COMBINATION TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in Section 25, Township 43 South, Range 42 East. Beginning at a point in the West line of the East 1/2 of the Southeast 1/4 of said Section 25, said point being 1250.00 feet North of the South line of said Section 25; thence continue northerly along said West line a distance of 700.00 feet; thence run easterly, at an angle of 90°21'00" with the preceding course, measured from South to East, a distance of 615.00 feet; thence run Southerly, at an angle of 89°39'00" with the preceding course, measured from West to South, a distance of 700.00 feet; thence run westerly a distance of 615.00 feet to the point of beginning; LESS a 90.00 foot parcel for drainage purposes, Official Records Book 3322, Page 1786, also LESS a 30.00 foot parcel for ingress and egress purposes, Deed Book 999, Page 444; also, LESS the dedicated Right-of-Way for Cherry Road, Official Records Book 770, Page 125; and, the Right-of-Way for Country Club Road, Official Records Book 812, Page 541, and being located on the S.E.

CORNER OF THE INTERSECTION OF CHERRY RD AND COUNTRY CLUB RD., IN THE IL 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).

B. ENGINEERING - MODIFICATION

- E1. Condition No. 14 of Zoning Petition 89-56 which presently states:

"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 \$30,809.00 (1,150 trips X \$26.79 per trip)."

Is hereby revised to state:

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 \$52,635.00 (957 trips X \$55.00 per trip). This impact fee may be phased according to building square footage.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification.
2. 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.

D. FEDERAL AVIATION AUTHORITY/COUNTY AIRPORTS DEPARTMENT

1. Prior to Site Plan certification, the petitioner shall present documentation to the Zoning Division that the facility does not violate Federal Aviation Authority Regulations or Palm Beach County Airport Zoning Regulations. This documentation shall be approved by the Palm Beach County Department of Airports.

E. HEALTH

1. 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.

F. PRESERVATION

1. Existing slash pine and sabal palms shall be preserved in place where possible or relocated on site.

G. 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.

H. SITE DESIGN

1. The building height shall be limited to a maximum of thirty-five (35) feet.
2. Total floor area shall be limited to a maximum of 103,954 square feet.

I. USE LIMITATION

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
2. 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.

J. WESTGATE CRA

1. **Westgate General Conditions**

- a. This site lies within the Westgate Community Re-development Area and is subject to the provisions of Section 627 of the Zoning Code, in addition to other zoning district, special exception and land development regulations.
- b. Fences and walls for non-residential developments shall be setback fifty (50) feet from the front property line when the Zoning Code is amended to require it or in 1995, whichever shall first occur.
- c. At Site Plan Review submittal, conceptual elevations shall be submitted with all materials and colors specified, including but not limited to, roof, trim, awnings, walls, signs, fences and screening of mechanical equipment, utility structures and trash receptacles.

2. **Westgate Signs**

- a. Point of purchase signs shall be limited to a maximum of one (1) free standing sign per frontage and shall not exceed 130 square feet of sign area

on Cherry road or 200 square feet of sign area on Country Club Road.

K. 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

