

RESOLUTION NO. R-91-591

RESOLUTION APPROVING ZONING PETITION NO. 73-43(C)  
SPECIAL EXCEPTION PETITION OF SHADOWOOD ASSOCIATES

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. 73-43(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 24, 1991; 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. 73-43(C), the petition of SHADOWOOD ASSOCIATES, BY JILL A. JARKESY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A REGIONAL SHOPPING CENTER TO INCLUDE AN AUTO SERVICE CENTER (TIRE SALE/AUTO SERVICE CENTER), in a portion of West Boca Plaza, according to the Plat thereof, as recorded in Plat **Book** 30, Pages 206 and 207, more particularly described as follows: Beginning at the Northwest corner of said West Boca Plaza plat; thence North 89 degrees, 59 minutes, 58 seconds East, along the South right-of-way of L.W.D.D. Lateral Canal No. 45, a distance of 1,244.82 feet; thence South 00 degrees, 00 minutes, 23 seconds West, 1,230 feet to a point on a line 27.00 feet North of and parallel to the North right-of-way line of State Road 808 as shown upon said West Boca Plaza plat; thence West, along said line, 988.00 feet to a point on the East boundary line of Tract "C" as shown on said West Boca Plaza plat; thence North along said East boundary line 12.00 feet; thence West along a line parallel with and 12.00 feet North of the South boundary of said Tract "C" 246.34 feet to a point on the West boundary line of said West Boca Plaza plat; thence North 00 degrees, 29 minutes, 12 seconds West along said West boundary line 1,218.03 feet to the Point of Beginning, and being located on the N.E. CORNER OF GLADES RD. AND U.S. 441, IN THE CG ZONING District,

was approved on January 24, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. The petitioner shall comply with all previous conditions of approval and all prior time certain conditions, 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. AUTO REPAIR:

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
2. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
3. The property owner shall participate in a tire recycling program.
4. Office uses shall not commence business activity prior to 7:00 a.m. nor continue after 8:00 p.m.
5. All other activities, including deliveries, garbage pickup, repairs, and use of pneumatic tools shall not commence prior to 8:00 a.m. nor continue after 6:00 p.m.
6. No activity shall occur on this parcel on Sundays.

C. DUMPSTER:

1. Receptacles for the storage and disposal of trash, garbage or vegetation (i.e., dumpsters) shall not be located within seventy-five (75) feet of the north or east property lines.
2. All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e., dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians.

D. ENGINEERING:

- E1. The Developer shall provide discharge control and treatment for the storm-water 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 storm-water 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.
- E2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from storm-water runoff from the remainder of the site.
- E3. 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.

E. ENVIRONMENTAL RESOURCE MANAGEMENT

1. 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.
2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

F. HEALTH:

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. 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.
5. 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** F.A.C.

G. 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.

H. LANDSCAPING, LARGE SCALE SHOPPING CENTERS:

1. Interior Landscaping:
  - a. One landscape island shall be provided for every eight (**8**) parking spaces for all parking areas yet to be constructed on the site. The Master Plan shall be amended prior to Site Plan certification to meet this requirement.
  - b. Fifty (**50**) percent of all trees within the interior parking area shall be fourteen (**14**) feet in height or greater; twenty five (**25**) percent shall be twelve (**12**) feet tall or greater; and the remainder shall be ten (**10**) feet in height or greater.
  - c. Landscape tabular data shall be revised to reflect conformance to all landscape conditions and Zoning Code requirements.
  - d. Fifty (**50**) percent of all new trees shall be **native** to Palm Beach County, Florida.
2. Perimeter Landscaping:
  - a. The east property line shall have a ten (**10**) foot wide perimeter landscape buffer including a six (**6**) foot high CBS wall and one twelve foot tall tree planted for every **20** linear feet. Both sides of the wall shall be painted a color which coordinates with the shopping center.
  - b. The north property line shall be landscaped with Alternative 3 landscape buffer including **native** canopy trees planted at heights of:  
  
50% 14 feet tall; 25% 12 feet tall; 25% 10 feet tall; all to be installed concurrent with the development of the northern portions of the shopping center, prior to the issuance of a Certificate of Occupancy.
3. Tire Store Landscaping: The north and west **parcel** boundaries of the tire store site shall have landscape strips, a minimum of five (**5**) feet in width, containing one twelve (**12**) foot tall native canopy tree for every **30** linear **feet of each boundary** line.

Landscaping on the parcel frontage on Glades Road shall contain one (1) twelve (12) foot tall native canopy tree for every thirty (30) linear feet and one (1) fourteen (14) foot tall native canopy tree for every thirty (30) linear feet and a continuous opaque native hedge three (3) feet in height at planting the length of the parcel frontage.

4. Landscape Within Median:

If permitted by the Florida State Department of Transportation or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way on State Road 7. This landscaping shall consist of one ten (10) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the petitioner. Landscaping shall be completed concurrent with the widening of State Road 7 by the Florida Department of Transportation.

I. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets.
2. All outdoor lighting shall be extinguished no later than 10:00 p.m. Security lighting only is excluded from this requirement.

J. SIGNS

1. A maximum of one (1) ground sign may be permitted on this out parcel, as follows:
  - a. The sign shall be limited to six (6) feet in height.
  - b. Maximum sign area shall be one-hundred (100) square feet.
  - c. No roof or pole signs shall be permitted on this out parcel, only a monument sign shall be allowed.
2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies sign location, site, color and graphic representation for the subject out parcel only.
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign related conditions of approval.

**K. SITE DESIGN, TIRE STORE AND PARCEL**

1. Future expansion areas:
  - a. No bay door openings shall be permitted on the east side of any structure.
2. Building height shall be limited to one-story on the tire store parcel, except the southwest corner of the structure may contain second story office space to a maximum of twenty-five (25) feet in height and a maximum of 1,112 square feet in area.
3. Prior to Site Plan Certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the auto service facility shall provide air and water for minor vehicle maintenance to the public at no charge.
4. Prior to site plan certification, the site plan shall be amended to indicate the location of the proposed storage area adjacent to the dumpster site along the west wing of the proposed structure.

**L. 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 Elmquist moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of May, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK