

## RESOLUTION NO. R-91-984

RESOLUTION APPROVING ZONING PETITION NO. 91-12  
SPECIAL EXCEPTION PETITION OF THE SALVATION ARMY

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. 91-12 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 28, 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. 91-12, for the petition of THE SALVATION ARMY, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION FOR A PCD on a parcel of land commencing at the NE corner of Section 25, Township 44 South, Range 42 East, thence N. 87 04'21" W. along the North line of Section 25, a distance of 297.78 feet to a line 35 feet East of the West line of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25; thence S. 01°52'25" W. along said line, 80.01 feet to the South right-of-way line of Lake Worth Road and the POINT OF BEGINNING; thence continue S. 01°52'25" W., a distance of 150.02 feet; thence S. 87 04'21" E., a distance of 272.76 feet to the West right-of-way line of Kirk Road (a 50 foot wide right-of-way); thence N. 01°52'39" E. along said right-of-way line (also being a line parallel with and 25 feet West of the East line of said Section 25), a distance of 130.38 feet; thence N. 42°35'40" W., a distance of 28.02 feet; thence N. 87°04'21" W. along the South right-of-way line of Lake Worth Road as shown on Road Plat Book 5, Page 134, a distance of 253.14 feet the POINT OF BEGINNING, and being located on the S.W. CORNER OF THE INTERSECTION OF LAKE WORTH RD. AND KIRK RD., was approved on March 28, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. This Special Exception is granted concurrent with a rezoning. 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. 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. 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.

D. ENGINEERING

- E1. 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.
- E2. No access to site shall be permitted onto Lake Worth Road.
- E3. Prior to November 1, 1991, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:

- a. Lake Worth Road, 76 feet from centerline
- b. Kirk Road, 54.5 feet from centerline.

Free of all encumbrances and encroachments. Developer 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.

- E4. 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 \$41,745.00 (759 trips X \$55.00 per trip), unless previously paid.

E. 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.

F. 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.

G. LANDSCAPE

1. Existing landscaping along the north and east property lines shall be upgraded to include a continuous twenty-four (24) inch high hedge, one (1) ten (10) foot tall native canopy tree for every thirty (30) linear feet plus one (1) native palm, a minimum of fourteen (14) feet tall for every thirty (30) linear feet.
2. Trees shall be maintained at a minimum height of fifteen (15) feet and in accordance with Arbor Society Standards.
3. All plant material shall be fully irrigated and maintained in a healthy viable condition.
4. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 500.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991.

H. LANDSCAPE WITHIN MEDIAN

1. If permissible by the State Department of Transportation or the County Engineering Department, the petitioner shall landscape the median of all abutting rights-of-way. 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.

I. LIGHTING

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

J. PRESERVATION

1. The slash pine existing on site shall be preserved in place.

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 Lake Worth Road shall be limited as follows:
  - a. Maximum sign height - fifteen (15) feet.
  - b. Maximum sign area - 125 square feet.
  - c. Maximum number of signs - one (1).
2. Signs fronting on Kirk Road shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum sign area - fifty (50) square feet.
  - c. Maximum number of signs - one (1).
3. No off-premise signs shall be permitted on site.
4. 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.
5. 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. SITE DESIGN

1. Prior to site plan certification, the petitioner shall record a Unity of Title for both the commercial parcel and the residential parcel to the south. The Unity shall be in a form acceptable to the County Attorney.
2. Building height shall be limited to a maximum of 25 feet.
3. Total floor area shall be limited to a maximum of 7,448 square feet.
4. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area or be screened by a visually opaque landscape buffer the height of the equipment.

N. USE LIMITATION

1. 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.
2. Use of the site shall be limited to retail sales of a thrift store nature consistent with the CL land use designation.
3. All storage shall be contained within the building.

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 Elmquist moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

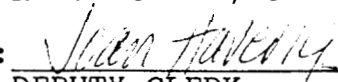
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK"

BY:

  
DEPUTY CLERK

