

RESOLUTION NO. R-91- 1483

RESOLUTION APPROVING ZONING PETITION NO. 91-37
SPECIAL EXCEPTION PETITION OF RONALD & KAREN KENDALL

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. 91-37 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 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. 91-37, the petition of RONALD AND KAREN KENDALL, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PLANNED INDUSTRIAL DEVELOPMENT (PID), INCLUDING A BUSINESS DISPATCHING OFFICE AND ALL OTHER PERMITTED USES WITHIN THE IL ZONING DISTRICT on a parcel of land lying in part of the West 400.00 feet of the East 435.00 feet of Tract 37, Block 7, PALM BEACH FARMS COMPANY'S PLAT NO. 3, recorded in Plat Book 2, Page 45; LESS the right-of-way of Benoist Road as laid out and now in use, more particularly described as follows: BEGINNING at a point in the North line of said Tract 37, said point being 150.00 feet east of, as measured along the north line, the Northwest corner of the above described parcel; thence continue easterly, along said north line, a distance of 220.85 feet, more or less, to the westerly right-of-way line of Benoist Road; thence southerly, making an angle with the preceding course of 90°05'00", measured from west to south, along the said westerly right-of-way of Benoist Road, a distance of 219.89 feet; thence westerly, making an angle with the preceding course of 87°28'30", measured from north to west and parallel with the north right-of-

way line of State Road 80, a distance of 221.30 feet, to a point in a line 150.00 feet east of and parallel with the west line of said Tract 37; thence northerly, along said parallel line, to the POINT OF BEGINNING; SUBJECT TO any easements, restrictions, reservation and rights-of-way of record, and being located on the W SIDE OF BENOIST FARMS RD., APPROX. 200 FT. N OF SOUTHERN BLVD., was approved on July 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
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 (Exhibit No. 18). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval.
3. The petitioner shall submit the site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to October 7, 1991.

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters, shall:
 - a. be confined to areas designated on the site plan and shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscure, opaque gate.

D. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
2. The permitted use shall be limited to the existing dispatch office. Any change in use, intensity, the securing of a building permit or vehicle repair, washing or maintenance, shall require connection to public water and sewer within ninety (90) days.

E. ENGINEERING

1. 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.
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
3. Prior to December 15, 1991 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 Benoist Farms Road, the additional right-of-way required on Palm Beach County's proposed alignment map for Benoist Farms Road, 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.
4. 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 \$2,915.00 (53 trips X \$55.00 per trip).
5. No access to the site shall be permitted from the adjacent road right-of-way to the north.

F. IRRIGATION QUALITY WATER

1. **When** irrigation quality water is available within 500 feet of the property, the petitioner shall connect **to the** system. The cost for connection shall be borne **by the** property owner.

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the site plan to reflect conformance to minimum Landscape Code requirements, including the perimeter buffer requirements, and all landscape conditions of approval.

H. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every twelve (12) parking spaces. Each landscape island shall be planted with one native canopy tree or two native palm trees and appropriate ground cover.
2. All trees within the interior parking area shall be a minimum of fourteen (14) feet in height.

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING THE PLATTED RIGHT-OF-WAY)

1. Landscaping within the required ten (10) foot buffer along the platted right-of-way shall be upgraded to include:
 - a. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center;
 - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING BENOIST FARMS ROAD)

1. Landscaping within the required ten (10) foot buffer along Benoist Farms Road shall be upgraded to include:
 - a. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center;
 - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

K. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall include:
 - a. A minimum five (5) foot wide landscape buffer strip.
 - b. One fourteen (14) foot tall small native tree (maximum mature height of 15 feet) acceptable to the Zoning Division for every twenty (20) linear feet. Trees shall be clustered in groups of three, with a maximum spacing of sixty (60) feet.
 - c. Twenty-four (24) inch tall hedge or ~~shrub~~ shrub material planted twenty-four (24) inches on center at installation, to be maintained at a maximum height of thirty-six (36) inches.
2. Buffering along the south and west property lines shall be installed prior to the issuance of the building permit for Phase II of the project.

L. 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. Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within fifty (50) feet of residential areas shall not exceed a height of twelve (12) feet..
3. All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.
4. There shall be no rooftop lighting. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures.

M. PARKING

1. No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces or unloading areas designated on the site plan.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan.

N. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.
2. Prior to site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking areas or adjacent to the dumpster locations.

O. RECYCLE OIL

1. The owner, occupant or tenant of the facility shall participate in a oil recycling program which insures proper re-use or disposal of waste oil.

P. SIGNS

1. Signs fronting on Benoist Farms Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet;
 - b. Maximum total sign face area - one hundred (100) feet;
 - c. Maximum number of signs - one (1).

2. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
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 all sign-related conditions of approval.

Q. USE LIMITATION

1. All proposed permitted uses shall be limited to indoor uses with no outdoor storage or outdoor industrial operations.
2. Use of the site shall be limited to those activities consistent with the permitted use list in the IL Zoning District.
3. No outdoor loudspeaker system audible off site shall be permitted.
4. No business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m.
5. The maximum height from grade to roof line, for all structures, shall not exceed twenty (20) feet.

R. COMPLIANCE

1. Completion of Phase I of the project shall not constitute commencement of development as required by Section 402.9 of the Zoning Code.
2. As provided in 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.

R91 1483

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 Roberts moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

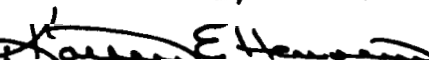
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

R 91 14831