

RESOLUTION NO. R-93-507

RESOLUTION APPROVING ZONING PETITION NO. 92-1
SPECIAL EXCEPTION PETITION OF OKEECHOBEE IMPORTS

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 (Ordinance 73-2, as amended); and

WHEREAS, Petition No. 92-1 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 29, 1992; and

WHEREAS, the Board of County Commissioners 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 (Ordinance 73-2, as amended); and

WHEREAS, the Board of County Commissioners 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 be adopted by resolution.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that Petition No. 92-1, the petition of OKEECHOBEE IMPORTS, BY STEPHEN S. MATHISON, AGENT, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE on a parcel of land lying in Tract 25, PALM BEACH FARMS CO. Plat No. 9, Plat Book 5, Page 58, LESS Parcel A - the East 140.00 feet thereof, Parcel B COMMENCING at the Northeast corner of said Tract 25, thence Westerly along the North line of said Tract 25, a distance of 140.00 feet to the POINT OF BEGINNING; thence Southerly along a line parallel with and 140.00 feet Westerly from the aforesaid East line of Tract 25, a distance of 616.40 feet; thence Westerly to a point in the West line of aforesaid Tract 25 and 631.40 feet Southerly from Northwest corner of said Tract 25; thence Northerly along the said West line of Tract 25 to Northwest corner thereof; thence easterly along the north line of said Tract 25, a distance of 520.40 feet to the POINT OF BEGINNING: Parcel C - subject to an easement for ingress, egress over the dirt road now in use, running diagonally Southwest from Okeechobee Road, said easement to be personal to the grantees and to expire after 60 days' written notice from the grantors or in the event of the voluntary or involuntary disposition of the premises of the grantees, less the following portion thereof: A portion of said Tract 25.

Commencing at the Northeast corner of said Tract 25; thence run Westerly 140.00 feet along the North line of said Tract 25 to a point; thence run Southerly 616.40 feet along a line 140.00 feet West of and parallel to the East line of said Tract 25 to the point of beginning; thence run Westerly 520.45 feet along a line 298.51 feet North of and parallel with the South line of said Tract 25 to a point; thence run Northerly 5.09 feet along the West line of said Tract 25 to a point 630.40 feet South of the Northwest corner of said Tract 25; thence run Easterly 520.48 feet to the Point of Beginning: Subject to restrictions, reservations, covenants, and conditions recorded in Official Records Book 2685, Page 287. Easements reserved in Official Records Book 438, Page 331, and Official Records Book 463, Page 641; Said properties being located in Sections 27 & 28, Township 43 South, Range 42 East, and being located on the N. side of Dwight Rd., approximately .16 mile E of Skees Road, in the Light Industrial (IL) Zoning District, was approved on October 29, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval on or before November 30, 1992. (MONITORING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 35,200 square feet as follows:
 - a. Office - 21,120 square feet.
 - b. Warehouse - 14,080 square feet. (BUILDING/ZONING)
2. No openings along the south facade of the building shall be permitted. (BUILDING)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (BUILDING-Zoning)
2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING/ZONING)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

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

2. Plans for any underground storage tanks must be approved 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. (BUILDING-ERM)
3. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING-ERM)
4. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be, at a minimum, an area equivalent to eight (8) square feet per linear foot of shoreline. Any areas of planted littoral zone shall not be steeper than six (6) feet horizontal to one (1) foot vertical. The maximum depth of the planted area shall be minus three (-3) feet from OHW. The littoral zone shall be provided with a minimum of three (3) inches of topsoil to promote vegetative growth. The littoral zone shall be planted with appropriate native wetland vegetation, spaced not more than three (3) feet on center or as approved by EM.
 - a. A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with DRC Final Plan Review application and approved by ERM prior to Site **Plan** certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM)
 - b. Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits. (BUILDING-ERM)

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 onsite 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 (ENGINEERING)

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 (ENGINEERING)
3. Prior to March 15, 1993 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 a twenty five (25) foot safe sight corner at the intersection of Jog Road and Dwight Road. The right-of-way conveyance shall be 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. **(MONITORING/BUILDING/ENGINEERING)**
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 presently is **\$33,880 (616 trips X \$55.00 per trip)** and is paid at the time of the Building Permit (IMPACT **FEE** COORDINATOR)

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. (UTILITY - Code Enforcement)
2. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (HEALTH - Building)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)

2. All perimeter trees required to be planted on **site** by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen **(14)** feet.
 - b. Trunk diameter: **3.5** inches measured **4.5** feet above grade.
 - c. Canopy diameter: seven **(7)** feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length. (ZONING)
 - d. Spacing: trees shall be planted twenty **(20)** feet on center.
3. Landscaping shall be installed in accordance with Exhibit **22**, and the landscape requirements contained herein. (ZONING)

I. LANDSCAPING - INTERIOR

1. Landscaping shall be provided adjacent to the front and rear of the building (north and south facades), excluding the loading area. Landscaping shall be upgraded to include the following:
 - a. A minimum five **(5)** foot wide landscape **buffer** strip.
 - b. One **(1)** native tree planted for each **thirty** **(30)** linear feet of the length of the building.
 - c. Twenty-four **(24)** inch high shrub or hedge material spaced **no** more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (ZONING)

J. LANDSCAPING ALONG THE WEST AND SOUTH PROPERTY LINES

1. Landscaping and buffering along the west and south property lines shall be upgraded to include:
 - a. A minimum ten **(10)** foot wide landscape buffer strip.
 - b. One **(1)** native canopy tree planted every twenty **(20)** feet on center.
 - c. Thirty **(30)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height **of** six **(6)** feet. (ZONING)

K. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)

2. All lighting fixtures within twenty (20) feet of the south property line shall not exceed fifteen (15) feet in height. (BUILDING)
3. All outdoor lighting within twenty (20) feet of the south property line shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

L. RECYCLE SOLID WASTE

1. The property owner and/or lessees 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. (SOLID WASTE AUTHORITY)

M. SIGNS

1. Point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)

N. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted. (CODE ENFORCEMENT)
2. No outdoor business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. (CODE ENFORCEMENT)

O. VEGETATION PRESERVATION

1. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Department of Environmental Resource Management and the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site. (ERM/ZONING)
2. Prior to site plan certification, the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phases of the project. (ZONING)

P. COMPLIANCE

1. 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 one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any

permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;

- b. The revocation of any 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;
- c. Rezoning of the property;
- d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
- e. Citation of the property owner for violation of the Zoning Code. (MONITORING)

2. 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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit, (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

Mary McCarty, Chair	-- Aye
Ken Foster	-- Aye
Burt Aaronson	-- Aye
Maude Ford Lee	-- Aye
Karen T. Marcus	-- Aye
Warren H. Newell	-- Aye
Carol A. Roberts	-- Absent

The Chair thereupon declared the resolution was duly passed and adopted this 20 day of April, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Otter*
COUNTY ATTORNEY

BY: *Linda C. Hester*
DEPUTY CLERK

