

RESOLUTION NO. R-94-5

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 86-54A
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-1284
WHICH APPROVED THE SPECIAL EXCEPTION OF
SENECA GROUP
PETITION NO. 86-54(A)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report SR 86-54A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 3, 1994; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 86-54A and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies: and

WHEREAS, Section 5.8 of the Palm Beach county Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval: 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: and
2. The amendment of conditions of approval provides an enhanced landscape buffer between differing land uses.

WHEREAS, Section 5.3 of the Palm Beach County Land Development 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 the recommendation of Status Report No. SR 86-54A, to amend Conditions of Approval of Resolution No. R-90-1284, the Special Exception of Seneca Group, Petition No. 86-54(A), confirmed by the adoption of Resolution R-90-1284, which amended the site plan for an office/warehouse combination to decrease the land area to allow a Planned Commercial Development including an auto service station (with major repairs), on a parcel of land being Parcel A commencing at the North $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, of Section 25, Township 44 South, Range 42 East, less right-of-way of State Road 802, Official Record Book 442, Page 236, and State Road 809, Deed Book 880, Page 107; TOGETHER WITH Parcel B, commencing at the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, of the Northeast $\frac{1}{4}$ of said Section 25, subject to right-of-way of State Road 809 over the Westerly 40.00 feet, Deed Book 886, Page 54; TOGETHER WITH Parcel C, commencing at the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the

Northwest 1/4 of the Northeast 1/4 (less the South 2 acres thereof), of said Section 25, less the right-of-way of Military Trail. Less and excepting the South 230.00 feet thereof: Said South 230.00 feet is as measured at right angles to the South line of the above described Parcel "C", being located on the east side of South Military Trail, approximately 0.1 of a mile south of Lake Worth Road in the CG-General Commercial Zoning District, is approved, subject to the following conditions:

1. The property owner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition numbers **2c.**, **2d.**, and 2e which currently state:

Prior to Site Plan Review submittal, the site plan shall be amended to indicate:

- c. Relocation of the entire north landscape strip outside and south of the L-12 canal **right-of-way** and easement.
- d. landscape strips along the west (Military Trail) and north property lines shall be upgraded with minimum ten (10) foot high native canopy trees spaced twenty (20) feet on center with a minimum thirty (30) inch high hedge spaced twenty-four (24) inches on center.
- e. The landscape strip along the east property line shall be upgraded to include a six (6) foot high concrete block and stucco wall, minimum twelve (12) foot high native canopy trees spaced twenty (20) feet on center.

Are hereby deleted.

3. The landscape buffer adjacent to Military Trail shall meet the standards of Section 7.3.E.3.a. of the Unified Land Development Code, Perimeter Landscape Buffer Adjacent To A Street, and supplemented with one (1) native palm tree for each thirty (30) linear feet of frontage. A group of three (3) or more palm trees may supersede the requirement for a native canopy tree in that location. (ZONING)
4. To insure buffering for adjacent uses, landscaping within the required buffer along the north and east property lines shall include:
 - a. Relocation of the entire north landscape strip outside and south of the L-12 canal right-of-way and easement.
 - b. One (1) native canopy tree planted every twenty (20) feet on center; and,
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

In addition, a six (6) foot high opaque concrete Wall shall be installed along the east property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The thirty (30) inch high hedge shall be planted on the exterior side of the wall. (ZONING)

5. By March 1, 1994, the property owner shall request an

administrative amendment to the certified site plan on file in the Zoning Division to reflect the requirements of conditions 4. and 5.

Commissioner Roberts moved for approval of the Resolution.

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

MARY MCCARTY, CHAIR	--	Aye
BURT AARONSON	--	Absent
KEN FOSTER	--	Absent
MAUDE FORD LEE	--	Aye
KAREN T. MARCUS	--	Aye
WARREN H. NEWELL	--	Aye
CAROL ROBERTS	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of January 1994.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Paula Carter*

DOROTHY H. WILKEN, CLERK

BY: *Jana M. Black*
DEPUTY CLERK

