

RESOLUTION NO. R-85-323

RESOLUTION APPROVING ZONING PETITION **84-173**, Special Exception

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 Ordinance No. **73-2** have been satisfied; and

WHEREAS, Petition No. **84-173** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the **29th** of November **1984**; 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, the Board of County Commissioners made the following findings of fact:

1. With variance relief, or minor modification to the site plan, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the **29th** of November **1984**, that Petition No. **84-173** the petition of SCOTT P. LEWIS for a SPECIAL EXCEPTION TO ALLOW A NURSERY AND GREENHOUSE on Lots **11, 12, 13, 14, 15, 41, 42** and **43**, Block **33**, Westgate Estates Northern Section, in Section **30**, Township **43** South, Range **43** East, as recorded in Plat Book **8**, Page **38**. Said property located on the south side of Westgate Avenue, approximately **200** feet east of Tallahassee Drive, being bounded on the south by Nokomis Avenue was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee, the site plan shall be amended to reflect the required **six (6)** foot masonry wall along property lines abutting residential, or variance relief shall be obtained from the Board of Adjustment.

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. Any fuel or chemical storage tanks shall be installed, with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.
5. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
7. With the exception of emergency access, no turnout shall be permitted from Nokomis Avenue.
8. The Developer 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. Presently the Fair Share Fee for this project is \$375.00.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Adams, and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 29th of November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spagnoli
County Attorney