

RESOLUTION NO. R-85-1087

RESOLUTION APPROVING ZONING PETITION 85-39(A), 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. 85-39(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 1985; 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. This proposal is 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 25th of April 1985, that Petition No. 85-39(A) the petition of DANIELO GIAMBERINI for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots 8 and 9, First Addition to Country Club Acres in Section 13, Township 46 South, Range 42 East as recorded in Plat Book 24, Page 10. Said property located on the southeast corner of the intersection of West Atlantic Avenue (S.R. 806) and Whatley Road was approved as advertised subject to the following conditions:

1. 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.
2. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.
3. Prior to site plan certification, the site plan shall be amended

to reflect the following:

- a) Correct site plan to reflect ultimate right-of-way for Atlantic Avenue to 60 feet.
 - b) Provision for the required loading space.
 - c) Obtain variance relief for the substandard front setback.
 - d) Delineate the ultimate right-of-way for Whatley Road.
 - e) A six foot high solid masonry wall along the south property line with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.
 - f) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
 5. The rear and side facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
 6. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.
 7. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
 8. Security lighting shall be directed away from nearby residences.
 9. There shall no convenience-type store, pawn shop, restaurant or lounge, auto parts sales, adult bookstore or gasoline service station on this site.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
 Deputy Clerk

APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

Andy Sprague
 County Attorney