

RESOLUTION NO. R-85-1100

RESOLUTION APPROVING ZONING PETITION 85-59, 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. 85-59 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 23rd of May 1985, that Petition No. 85-59 the petition of JAMES D. FOSTER for a SPECIAL EXCEPTION TO ALLOW AN OFFICE WAREHOUSE COMBINATION on Lots 27 through 30 together with Lots 57 through 60, Block 32, according to the Plat of West Gate 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 southwest corner of the intersection of Westgate Avenue and Tallahassee Drive, being bounded on the south by Nokomis Avenue was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:
 - a) Dumpster relocation to an area readily accessible by service trucks and away from nearby residences.

- b) Site plan sheet layout oriented with the north arrow pointed up.
- c) The required six (6) foot high solid masonry wall supplemented by 8-10 foot canopy trees planted 20 feet on center along the west property line abutting residential development.
2. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets.
 3. All four facades shall be given similar architectural treatment as consistent with the building front to avoid an incompatible industrial appearance impact upon nearby residential development.
 4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 7:30 a.m.
 5. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted west of the building.
 6. Security lighting shall be directed away from nearby residences.
 7. 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.
 8. Access to the site shall be permitted only from Westgate Avenue.
 9. 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.
 10. 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. The Fair Share Fee for this project \$831.00.
 11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
 12. 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.
 13. 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.
 14. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

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

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

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 Beaupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Spryue
County Attorney