

RESOLUTION NO. R- 85-1431

RESOLUTION APPROVING ZONING PETITION 79-148 (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. 79-148 (A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 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 July 1985, that Petition No. 79-148 (A) the petition of PAUL SINGER AND JOHN ROSATTI By John Sanford, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, AN OFFICE-WAREHOUSE COMBINATION AND HEAVY EQUIPMENT SALES AND SERVICE FACILITY PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-148, BY DELETING HEAVY EQUIPMENT SALES AND SERVICE FACILITY AND TO INCLUDE A COMMERCIAL NEW AND USED AUTOMOBILE AND TRUCK SALE, RENTAL AND REPAIR FACILITY AND LOT on Lot 24 LESS the West 1/2 thereof, Block 1, Palm Beach Farms Company Plat No. 9, in Section 28, Township 43 South, Range 42 East, as recorded in Plat Book 5, Page 58, LESS the South 15 feet for road Right-of-way. Said property located in the south side of Okeechobee Boulevard (S.R. 704), approximately .2 mile east of Skees Road, and being bounded on the

south by Dwight Road in an CG-General Commercial District was approved as advertised subject to the following conditions:

- 1) Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Notation that the development and use of the site shall be developed pursuant to Zoning Code Section 610. (GENERAL COMMERCIAL DISTRICT - USES AND PROPERTY DEVELOPMENT REGULATIONS).
 - b) To reflect in plan graphic format, and in site data block, provision for and calculation of the twenty (20) square foot minimum interior landscape requirement per parking space not abutting other on-site landscaped areas.
 - c) The access onto Dwight Road from the southeasternmost side of the site shall be closed.
 - d) 12' x 30' minimum dimension loading bays.
- 2) No parking of any vehicles shall be permitted along the rear of the auto service and office warehouse facilities except in designated spaces or unloading areas.
- 3) Security lighting shall be directed away from nearby residences.
- 4) No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the office warehouse site.
- 5) No stock loading or dumpster pickup will be permitted between the hours of 10:00 p.m. and 6:00 a.m., as long as the property to the east remains residentially zoned.
- 6) The south and east facing building facades of the warehouse/office buildings and the auto service center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
- 7) All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
- 8) A six foot high solid masonry wall shall be provided along the east property line with 10-12 foot high canopy trees planted 20 feet on center on the outside of the wall, unless the property to the east is rezoned to a commercial or industrial district.
- 9) The landscape strips shown adjacent to the west and south property lines shall be developed according to the site plan graphic representation.
- 10) 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.
- 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 owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

15) 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.

16) The property owner shall convey for the ultimate right-of-way of Dwight Road, 30 feet from centerline (approximately an additional 17 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

17) The property owner shall construct concurrent with the construction of Okeechobee Boulevard by Gould Industrial Complex, a Left Turn Lane East Approach. This Developer shall be fiscally responsible for any change order associated with this change order. As an alternate, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this turn lane based upon a Certified Cost Estimate per the County Engineer's approval.

18) The Property Owner shall not be issued a Building Permit for the office-warehouse portion until Okeechobee Boulevard has been constructed as a four (4) lane, median divided section from Golden Lakes Boulevard to the Florida Turnpike.

19) 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 presently is \$75,950.

20) Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$37,975 toward Palm Beach County's existing Roadway Improvement Program, these total funds of (\$113,925) to be paid prior to December 31, 1985.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$37,975 shall be credited toward the increased Fair Share Fee.

21) The petitioner shall convey to the Lake Worth Drainage District the North 70.00 feet of Lot 24, less the West Half thereof, Block 1, Palm Beach Farms Company Plat No. 9, for the required right-of-way for Lateral Canal No. 1, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners, or the developer shall enter into an agreement with the Lake Worth Drainage District to provide for culverting the canal.

22) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

23) The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.

24) The property owner shall construct Dwight Road from the existing terminus, east of Skees Road, east to the project's east property line, concurrent with a paving and drainage permit issued from the Office of the County Engineer.

25) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner _____, moved for approval of the

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

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

The foregoing resolution was declared duly passed and adopted this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean Dean Ellington
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jean Dean Ellington
County Attorney