

RESOLUTION NO. R-85-1445

RESOLUTION APPROVING ZONING PETITION 85-81, 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. 85-81 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. With minor site plan modification, 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 25th of July 1985, that Petition No. 85-81 the petition of DENNIS & LYNN HOERBER By Adrienne Whipple, Agent for a SPECIAL EXCEPTION TO ALLOW AN OFFICE/WAREHOUSE COMBINATION on Lots 1 through 10, Block 12, 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 southeast corner of the intersection of Loxahatchee Drive and Shawnee Avenue in an CG-General Commercial District was approved as advertised subject to the following conditions:

1) Prior to the site plan certification:

- a) The site plan shall be revised to provide a five (5) foot landscape strip between the south property line and the proposed parking, said landscape strip to feature a six (6) foot solid masonry wall pursuant to Zoning Code Section 610.E. (Special Regulations),

and one (1) - eight (8) foot minimum canopy tree planted at each twenty (20) foot interval along the entire south property line pursuant to the Palm Beach County Landscape Code.

b) The site plan shall be revised to correctly label the proposed use as "office-warehouse".

c) The site plan shall be revised to reflect provision of the safe corner area calculated pursuant to Zoning Code Section 500.17.J. Notes.4.

2) Commercial use shall not commence business activities (including delivery and stocking operations) prior to 6:00 A.M., nor continue activities later than 11:00 P.M. of the regular business day.

3) Lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11:00 P.M. of the regular business day.

4) Refuse and garbage dumpsters shall be located for ease and efficiency of pedestrian and vehicular access there to, and shall be located away from the south property line abutting adjacent residentially zoned properties.

5) The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

6) All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

7) The rear facade of the office warehouse shall be given architectural treatment consistent with the front of the building to avoid an incompatible industrial appearance impact upon nearby residential development.

8) No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.

9) No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the office warehouse building.

10) No parking of any vehicles shall be permitted along the rear of the office warehouse except in designated spaces or unloading areas.

11) 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.

12) Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

13) 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.

14) 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.

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 developer shall construct Shawnee Avenue from Loxahatchee Drive to the project's east property line concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

17) The property owner shall obtain a Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the issuance of a Building Permit.

18) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Shawnee Avenue.

19) 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	--	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 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: Janice Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Janice Ellington
County Attorney