

RESOLUTION NO. R-86-100

RESOLUTION APPROVING ZONING PETITION 81-103(C), 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. 81-103(C) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 30th of October 1985, that Petition No. 81-103(C) the petition of J. JOHN GOODMAN, TRUSTEE, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-103(A), BY ADDING 0.7 ACRES FOR ADDITIONAL PARKING AND INCREASING THE BUILDING SQUARE FOOTAGE on Lots 31-45, inclusive, Block 11, West Gate Estates, in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38, together with that certain Right-of-Way for Chickanauga Avenue, 20 feet in width, lying Southerly and adjacent to said Lots 31-45, inclusive, together with Lots 7-15, inclusive, Block 17, West Gate Estates, in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38, together with that certain Right-of-Way of Chickamauga Avenue, as shown on the Plat of West Gate

Estates, Plat Book 8, Page 38, being 20 feet in width and lying Northerly and adjacent to Lots 7-15, inclusive, Block 17, of said Plat. Said property located on the northeast corner of the intersection of Chickmauga Avenue and Osceola Drive was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect a six foot high solid masonry wall along the Southwest, South, and East property lines where they abut residential areas, with 10-12 foot high canopy trees planted 20 feet on center on the inside of the wall.
2. The West and East facades of the office building shall be given architectural treatment consistent with the front of the center to avoid an incompatible visual impact upon nearby residential development.
3. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8 a.m.
4. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted at the rear of the office building.
5. Security lighting shall be directed away from nearby residences.
6. 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.
7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
8. 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.
9. 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.
10. The property owner 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 \$9,939.00 (371 trips X \$26.79 per trip).
11. Use of the site shall be restricted to CS uses only.
12. The petitioner shall continue to comply with all previously approved conditions of 81-103(B).
13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.
14. Condition No. 3 (Resolution Bo. R-85-244) which states:

"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."

is hereby amended to state:

"The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division."

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Wilken, 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	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 11 1986 confirming action of the 30th October 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: Ken Young Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Amey
County Attorney