

RESOLUTION NO. R-88-1810
RESOLUTION APPROVING ZONING PETITION NO. 87-69
SPECIAL EXCEPTION PETITION OF JOHN E. FREEMAN

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. 87-69 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-69, the petition of JOHN E. FREEMAN, for a SPECIAL EXCEPTION TO PERMIT OFFICE/WAREHOUSE COMBINATIONS, on a parcel of land lying on the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 44 South, Range 42 East. Subject to the Right-of-Way for Lakewood Road pursuant to Quit Claim Deed from Southern Bell Telephone and Telegraph to Palm Beach County, recorded in Official Record Book 2988, Page 1878. Subject to a 20.00 foot drainage easement recorded in Official Record Book 1590, Page 204 and subject to a 20.00 foot wide water and sanitary sewer easement in Official Record Book 3824, Pages 1877 through 1882.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: Commencing at the Southwest corner of the above described property; thence Northerly on an assumed bearing of North 02 degrees 02' 24" East along the West line of the above described parcel a distance of 240.00 feet to the POINT OF BEGINNING said POINT OF BEGINNING also being the Southeast corner of Block 8, GREENLAND PLAT NO. III as recorded in Plat Book 4, Page 5, thence North 02 degrees 02' 42" East along the East line of said Block 8, a distance of 204.86 feet to the centerline of Helen Street as shown on the said PLAT III OF GREENLAND; thence South 87 degrees 06' 09" West a distance of 80.00 feet; thence South 02 degrees 02' 48" West a distance of 204.82 feet; thence North 89 degrees 07' 49" West, a distance of 80.00 feet to the POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: Commencing at the Southwest corner of the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 24, Township 44 South, Range 42 East, thence on an assumed bearing of North 02 degrees 02' 24" East along the West line of the above described parcel a distance of 444.86 feet to the POINT OF BEGINNING, said POINT OF BEGINNING also being the intersection with the centerline of Helen Street with the East line of PLAT III OF GREENLAND as recorded in Plat Book 4, Page 5; thence continue North 02 degrees 02' 24" East along the East line of said PLAT OF GREENLAND a distance of 200.28 feet to a point on the South Right-of-Way line of Lakewood Road (according to Official Record Book 2988, Page 1877 thru 1882), said point also being 5.00 feet South of the Northeast corner of Block 7 of said PLAT OF GREENLAND; thence South 87 degrees 13' 16" East along the South Right-of-Way line of Lakewood Road a distance of 332.84 feet to the Northeast corner of the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 24; thence South 02 degrees 02' 35" West along the East line of said East 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 24, a distance of 200.97 feet; thence North 87 degrees 06' 09" West a distance of 332.84 feet to the POINT OF BEGINNING. SUBJECT TO a 20.00 foot Drainage Easement recorded in Official Record Book 1590, Page 204 and subject to a 20.00 foot wide water and sanitary sewer easement of Official Record Book 3824, Page 1877 through 1882, located on the east end of Charlotte Street, approximately .2 mile north of Lake Worth Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Office square footage, warehouse square footage.
 - b. Parking stalls eliminated as necessary to preserve trees as required by Condition No. 3, below.

- c. Preserved trees clearly shown and labelled.
 - d. Required six (6) foot wall along the north and east property lines, and compliance with Condition No. 5, below.
2. Petitioner shall submit a tree survey of the 23 Slash Pines in the southeast corner of the site in order to allow for the maximum number to be preserved.
 3. All healthy Slash Pines shall be preserved within the landscape strips along the perimeters of this site. A minimum of nine (9) Slash Pines shall be preserved within the parking area in the northwest portion of the site (as shown on vegetation assessment, Exhibit 16). Slash Pines in the southeast corner of the site shall be preserved if they coincide with perimeter strips or landscape islands (as verified through Condition No. 2). All preserved trees shall be protected during construction with stakes and ribbon installed at the drip-line of the trees.
 4. All landscaping, including accessory structures such as walls and lighting, shall be located out of any drainage or utility easements, unless the appropriate release agreements are secured and submitted to the Zoning Division.
 5. Garage bay doors shall be oriented away from any properties zoned for residential purposes. In the event that this condition cannot be satisfied, the required landscaping along the perimeter which the garage bay doors face shall be upgraded by planting canopy trees a minimum of 12 feet in height, spaced a maximum of 20 feet apart (on center). Any other provisions required under Section 500.35.E.3 (Landscaping The Perimeter Of Lots) shall still apply.
 6. In order to avoid an incompatible appearance upon adjacent residential areas, the north and east facades of the structures shall be given architectural treatment consistent with the front of the structures.
 7. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or shall be located within an enclosed service area.
 8. No stock loading, warehouse activity, or dumpster pickup shall be permitted between the hours of 8:00 p.m. and 7:00 a.m.
 9. No storage or placement of any stock materials, refuse,

equipment or accumulated debris shall be permitted on the site.

10. No parking of any vehicles shall be permitted along the east side of the site except for the intermittent loading and unloading of vehicles.
11. Any all night security lighting along the east and north sides of the site shall be pole mounted within the perimeter landscape strips and directed inward so as not to shine towards any residences. These light poles shall be a maximum of twelve feet in height. Any lighting mounted directly to the structures along the east and north sides of the site shall be extinguished no later than 10:00 p.m.
12. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
13. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waster from the proposed site.
14. The developer shall pay Fair Share Fee in the amount & manner required by Fair Share Contribution for Road Improvements Ord. as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$3,349.00 (125 trips X \$26.79 per trip).
15. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

16. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
17. Because water service is available to the property, a well shall not be approved for potable water use.
18. The gross square footage of this development shall be limited to 24,000 square feet.

Commissioner Elmquist 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:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of October, 1988 confirming action of November 30, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

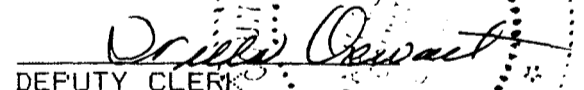
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

