

RESOLUTION NO. R-89- 358

RESOLUTION APPROVING ZONING PETITION NO. 87-136  
SPECIAL EXCEPTION PETITION OF PATRICIA MARSHALL

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. 87-136 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; 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. 87-136 the petition of PATRICIA MARSHALL, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land lying in the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Tract 69, of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66. LESS the South 40.00 feet thereof, and LESS the right-of-way of State Road 802.

TOGETHER WITH:

The East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ , of Tract 69, in Section 19, Township 44 South, Range 43 East, as recorded in **Plat** Book 6, Page 66. LESS all that portion of the preceding described parcel of land for road right-of-way purposes, situated in Section 19, Township 44 South, Range 43 East, lying South of the proposed North right-of-way line of Lake Worth Road, as shown on the right-of-way map of Lake Worth Road, recorded in Road Book 5, Pages 125-138, located on the north side of Lake Worth Road (S.R. 802), approximately 300.00 feet east of Davis Road, in a

CG-General. Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Required one (1) loading berth next to the structure for Phase II.
  - b. Required five (5) foot landscape strip to the north, exclusive of the two (2) foot car overhang.
  - c. Required handicap parking spaces for phase I and II.
  - d. Required six (6) foot interior landscape islands.
  - e. Required minimum 25 foot access dimension or obtain relief from Board of Adjustment.
2. The petitioner shall install perimeter landscaping along the ultimate perimeter of the site as indicated on exhibit 3.
3. The petitioner shall submit documentation verifying the existence of the two (2) existing structures on site prior to February, 1973, or obtain variance relief from the Board of Adjustment.
4. The petitioner shall indicate on the site plan where the 9,871 square foot of interior landscaping is located, and shall revise the required interior landscape figure to be 1,680 square feet.
5. In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center.
- 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. No stock loading or dumpster pickup will be permitted between the hours of 8:00 **P.M.** and 8:00 A.M.
8. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.
9. A Unity of Title shall be executed covering the entire site. Two (2) copies of properly executed Unity of Title documents shall be submitted to the Zoning **Division** simultaneously with the Site Plan Review Committee submittal.
10. No off-premise, or billboard-style, signs shall be

permitted on the site.

11. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
12. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
13. All prohibited species shall be removed from site.
14. All required landscaping shall consist of native species.
15. Warehouse uses shall not be allowed on site.
16. The petitioner shall relocate the dumpster to an area on site where it does not interfere with the circulation or backup maneuvers of parked vehicles on site.-
17. The dumpster shall be screened with, a six (6) foot board on board fence, or other acceptable material that is approved by the Zoning Division.
18. 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.
19. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
20. In order to comply with the mandatory traffic performance standards, the developer shall be restricted to the following land uses:
  - a. A maximum of 3,900 square feet of gross leasable retail square footage.
  - b. A maximum of 6,100 square feet (of the total 12,000 square feet) of general office.
  - c. A maximum of 2,006 **square** feet of medical offices

(of the total 12,000 square feet).

Or any of the above square footage which generates similar maximum average daily traffic **onsite**.

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

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

The foregoing resolution was declared duly passed and adopted **this** 28th day of February 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY S  
\*COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

*Laura J. Galt*  
COUNTY ATTORNEY

BY:

*James J. Hardy*  
DEPUTY CLERK

