

RESOLUTION NO. R-89- 585

RESOLUTION APPROVING ZONING PETITION NO. 87-140
SPECIAL EXCEPTION PETITION OF KENNETH J. AND ALICE M. SIMMONS

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. 87-140, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 28, 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. 87-140, the petition of KENNETH J. AND ALICE M. SIMMONS, by Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL KENNEL, IN THE COURSE OF WHICH EXTINGUISHING THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION 84-190 ON JANUARY 24, 1985 (RESOLUTION R-85-655, ADOPTED APRIL 23, 1985) on a parcel of land lying on the South 360 feet of the East 70 feet of the West 1\2 of the West 1\2 of the Southwest 1\4 of the Southwest 1\4 of the Southwest 1\4 of Section 24, Township 44 South, Range 42 East, Less, however the Right of Way for Lake Worth Road (State Road 802), located on the north side of Lake Worth Road (S.R. 802), approximately 0.5 mile west of Military Trail (S.R. 809), 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. landscaping as required by Condition No. 5 below.
2. Use of the site shall be limited to veterinary care with customary grooming and boarding of animals under the care of the veterinarian(s). All grooming and boarding activity shall take place entirely within an enclosed building.
3. Security lighting shall be low intensity, shielded, and directed away from adjacent properties and streets, shining only on the subject site.
4. No off premises signs shall be permitted on site.
5. Petitioner shall provide additional landscaping along the north, east and west property lines abutting residentially zoned property in the form of 10-12 foot canopy trees planted 20 feet on center, excluding the portion of the east property line where the building abuts said property line. These trees shall be dispersed throughout the remaining perimeter landscape strips.
6. 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.
7. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
8. Because water service is available to the property, a well shall not be approved for potable water use.
9. Within ninety days of approval, the petitioner shall install sufficient soundproofing to the exterior walls of the existing facility so that no animals can be heard at the property's boundary. The sufficiency of this soundproofing shall be determined by the Palm Beach County Building Division.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

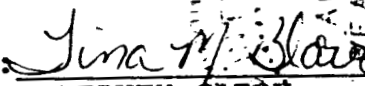
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK.

