

RESOLUTION NO. R-89-1263

RESOLUTION APPROVING ZONING PETITION NO. 88-131
SPECIAL EXCEPTION PETITION OF JOE FEARNLEY, TRUSTEE

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. 88-131 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 10, 1989; 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. 88-131 the petition of JOE FEARNLEY, TRUSTEE, by Jeff Lis, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING 13 OFFICE-WAREHOUSE; AND 2] WHOLESALE BUILDING SUPPLIES (ELECTRONIC EQUIPMENT) on a parcel of land lying on Lots 16 to 30 inclusive, Block 29, Westgate Estates (Northern Section) in Plat Book 8, Page 38, in Section 30, Township 43 South, Range 43 East together with: Tract D Westgate Company's replat of part of Blocks 11, 14, 15, 29, 41, 51, 52, and 54, Westgate Estates in Plat Book 15, Page 66, being located on the northwest corner of the intersection of Westgate Avenue and Loxahatchee Drive and bounded on the north by Cherokee Avenue, in a CG-General commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Review submittal, the site plan shall be amended to indicate:
 - a. The construction of a six (6) foot high concrete

block and stucco wall along the entire length of the north property line;

- b. Trees twelve (12) feet in height, planted twenty (20) feet on center alternately placed on each side of the six (6) foot high C.B.S. wall along the entire length of the north property line;
- c. The relocation and incorporation of the twelve (12) foot by thirty (30) foot loading zone area, located at the northeast corner by the building, into the centralized loading area;
- d. The elimination of the following parking spaces:
 - (1) The southern most parking space along the western property line; and
 - (2) The five parking spaces opposite the entry to the loading bay area.

2. Access shall not be permitted onto Cherokee Avenue.
3. The northwest corner of building "B" and the northeast corner of building "A" shall provide minimum ten (10) foot safe sight corners.
4. The uses in Buildings A and B shall be limited to those permitted by Section 500.39, (Office-Warehouse Combination), of the Palm Beach County Zoning Code.
5. 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.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

9. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of **the site**.
10. The Developer 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.
11. Prior to Site Plan certification, the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
12. Property owner shall dedicate fifty **(50)** feet **from** centerline for the ultimate right-of-way for Westgate Avenue within ninety **(90)** days of adoption of the resolution approving this petition, if determined to be required for landscaping by Palm Beach County and the CRA. The northern ten **(10)** feet of the fifty **(50)** feet shall accommodate the minimum landscape requirements of Section **500.35** (Landscape Code) of the Zoning Code and may be incorporated into a streetscape program of the future CRA. This ten (10) feet may be an easement or right-of-way based on the decision of the County Engineer. If fifty **(50)** feet of right-of-way is not required, a maximum of forty **(40)** feet shall be required.
13. The property owner shall construct concrete sidewalks along Loxahatchee Drive and Westgate Avenue along the project's frontage.
14. The property owner shall fund a pro rata share in the cost of three-laning **of** Westgate Avenue along the project's entrance. Funding shall be based upon the cost of one 12-foot travel lane along this project's entire frontage.
15. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; **or** the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board **of** Adjustment **or** as otherwise provided in the Palm Beach County Zoning Code.

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

Carol J. Elmquist, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 10, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

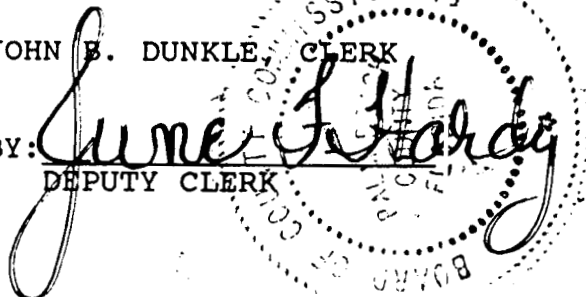
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK