

RESOLUTION NO. **R-89- 2224**

RESOLUTION APPROVING ZONING PETITION NO. **89-2**  
SPECIAL EXCEPTION PETITION OF  
ALCIDE KING, **KYLE FOREMAN**, WALTER LUZENKO AND HARRY HERSHEY

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 have been satisfied; and

WHEREAS, Petition No. **89-2** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June **29, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **89-2** the petition of ALCIDE KING, KYLE FOREMAN, WALTER LUZENKO AND HARRY HERSHEY, by Larry Hodges, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING AN OFFICE/WAREHOUSE COMBINATION on a parcel of land lying on the East **1/2** of Tract **69**, of a subdivision of Section **19**, Township **44** South, Range **43** East, according to the Plat thereof recorded in Plat Book **6**, page **66**, less the East **65.00** feet of the South **200.00** feet, less that portion of the Southeast **1/4** of Tract **69**, which lies within **40.00** feet of the South line of said Section **19**, and less the right-of-way for State Road **802** as appears in Plat Book **5** commencing at pages **125** and **149**, being located on the north side of lake Worth Road (SR **802**), approximately **500** feet east of Davis Road and bounded on the north by 2nd Avenue North in a CG-General Commercial Zoning District, was approved on June **29, 1989**, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate:

- a. The reorientation of the warehouse bay doors away from residential zoned properties and rights-of-way;
  - b. How the office and warehouse spaces will function. The site plan shall show locations of storage bay doors, loading areas and office doors;
  - c. Along the east property line abutting residential zoning:
    1. A six (6) foot high concrete block and stucco wall; and,
    2. Native canopy trees ten (10) feet in height, minimum six (6) feet canopy spread, planted twenty (20) feet on center on the outside of the six (6) foot wall.
  - d. A twelve foot by thirty foot (12'x30') loading space located behind the northwest retail building.
2. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
  3. No loudspeakers or public address system shall be permitted on site.
  4. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
  5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
  6. 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.
  7. 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.

8. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for 2nd Avenue North, 40 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
9. The Property owner shall construct a right turn lane, east approach on Lake Worth Road at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
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. The Fair Share Fee for this project presently is \$21,003.00 (784 trips X \$26.79 per trip).
11. In addition the Developer shall contribute the amount of \$3,152.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$3,152.00 shall be paid prior to the issuance of the first Building Permit.
12. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3, 152.00 shall be credited toward the increased Fair Share Fee.
13. The use of the site shall be limited to 5,000 square feet of retail space and 22,200 square feet of office/warehouse.
14. No off premise signs shall be permitted on site.
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 Roberts moved for approval of the Resolution.

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	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

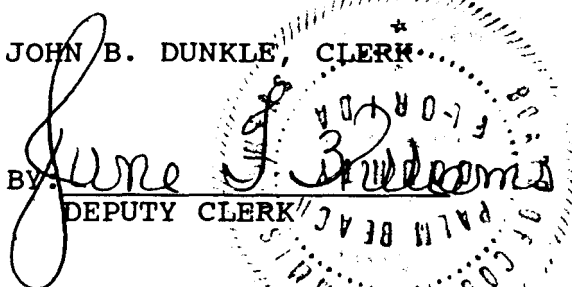
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

