

RESOLUTION NO. R-90- 1319

RESOLUTION APPROVING ZONING PETITION NO. 81-103(D)
SPECIAL EXCEPTION PETITION OF J. JOHN GOODMAN
BY ALAN M. MURPHY, AGENT

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. 81-103(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 29, 1990; 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. 81-103(D), the petition of J. JOHN GOODMAN, BY ALAN M. MURPHY, AGENT, for **a** SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT AND INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying in Lots 31-45 inclusive, Block 11, and Lots 7-15 inclusive, Block 17, WEST GATE ESTATES, in Plat Book **8**, Page **38**. Together with that certain abandoned right-of-way for Chickamauga Avenue (as same is shown on said plat of WEST GATE ESTATES), lying 20.00 feet Southerly and adjacent to Lots 31-36 inclusive Block **11** said WEST GATE ESTATES and that certain portion of Chickamauga Avenue lying between Lots 37-45 inclusive, Block 11, and Lots 7-15, Block **17**, said **WEST** GATE ESTATES, and being located on the east side of Osceola Drive, approximately 100.00 feet south of Shawnee Avenue in a CG-General Commercial Zoning District, was approved **on** March **29**, **1990** as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. Gross building area shall be reduced to a maximum of **28,528** (35% of the lot area). Use of the facility shall be limited to office and related uses.
3. The architectural treatment of the **7,000** square feet expansion shall be compatible with the main structure, and shall be provided on the south and east facades of the addition.
4. Additional landscaping shall be provided along the eastern property line where it abuts residentially zoned property. The buffer shall consist of ten (**10**) foot high native canopy trees planted twenty (**20**) feet on center, native palms planted twenty (**20**) feet on center and a three (**3**) foot hedge in the remainder of this portion of the landscape buffer.
5. The southern portion **of** the parking area shall be redesigned to provide continuous circulation. The six eastern-most parking stalls in the center row shall be eliminated **so** that a **20** foot wide circulation way and appropriate terminal islands may be established. Building square footage shall be reduced to comply with minimum parking requirements.
6. The required loading spaces shall be relocated to prevent delivery trucks from entering the covered parking area and to provide adequate maneuvering space.
7. The dumpster shall be relocated to an area where service trucks **can** reach it without interfering with parked vehicles or structures and away from residentially zoned property.
8. Prior to site plan certification, landscape data shall be shown on the site plan.
9. The height of the new addition shall be limited to a maximum of thirty-five (**35**) feet.
10. 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.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the **site** to provide potable water.
13. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate the following Westgate/Belvedere Homes **CRA** conditions:

- a. The petitioner shall construct or fund construction of sidewalks and applicable CRA streetscape paving designs within the road right-of-way and landscape strip along Westgate Avenue frontage concurrent with on-site paving and drainage improvements. This sidewalk shall be a width of five (5) feet and construction plans shall be subject to approval by the County Engineer. The County Engineer shall make the sole determination as to whether this petitioner shall pay the funds or be responsible for the construction of this sidewalk. Funds shall be paid prior to submittal for a building permit and given to Palm Beach County Engineering Department for the Westgate/Belvedere homes CRA Road Improvement Program, or construction shall be completed prior to the issuance of the first Certificate of Occupancy;
 - b. Outdoor speaker or public address systems shall not be permitted which are audible outside of the property boundaries.
 - c. 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; and
 - d. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site.
14. The property owner 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 \$9,405.00 (171 trips X \$55.00 per trip).
 15. In addition, the Developer shall contribute the amount of \$687.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$687.00 shall be paid prior to the issuance of the first Building Permit.
 16. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$687.00 shall be credited toward the increased Fair Share Fee.
 17. The property owner shall participate in a recycling program when available in the area.

18. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
- a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

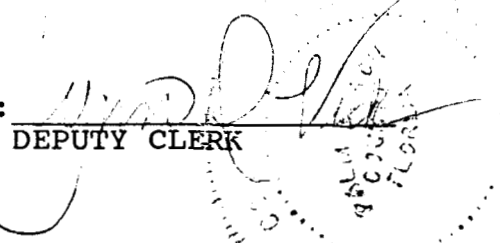
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK