

RESOLUTION NO. R- 83-1034

RESOLUTION APPROVING ZONING PETITION 82-137, Special Exception

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. 82-137 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24th March 1983; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal is consistent with the Land Use Plan designated for the property.
2. The proposal meets all Mandatory Performance Standards provided that no toxic wastes are generated by any of the future tenants of the development.
3. Provided that the development of the site is controlled with respect to access, screening, and noise, the proposal could be compatible with surrounding properties.
4. The property can be developed for the proposed use while meeting all Property Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of March, 1983, that Petition No. 82-137 the petition of CURTIS R. LEWIS AND RICHARD WALLEN, for the FURTHER SPECIAL EXCEPTION TO ALLOW AN OFFICE-WAREHOUSE COMBINATION on Lots 1 through 16 and Lots 43 through 46, Block 25, West Gate Estates in Section 30, Township 43 South, Range 43 East as recorded in Plat Book 8, page 38. Said property located on the north side of Westgate Avenue and on the south side of Cherokee Avenue, approximately 350 feet west of Wabasso Avenue, was approved as advertised subject to the following conditions:

1. No uses utilizing pesticides, acids, or heavy metal solutions shall be permitted in this development.
2. No retail businesses shall be permitted in this development.
3. The development shall retain on-site eight-five percent (85%) of the stormwater runoff generated by the three (3) year storm per the requirements of the County Engineer's Land Development Division Permit Section.
4. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
5. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
6. Access to this development shall be limited to **Westgate Avenue**, except for emergency vehicles only.
7. The developer shall construct concurrent with on-site paving and drainage provisions, a left turn lane west approach on **Westgate Avenue** at the project's entrance.. Plans for this improvement shall be included in the application for the project's Paving and Drainage Permit to the County Engineer.
8. The **developer** shall contribute Three Thousand Dollars (**\$3,000.00**) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of building permits.
9. All warehouse loading doors on the northern portion of this property shall be oriented toward **Westgate Avenue**. All loading and dumpster activities **in the** northern portion of this property shall be limited to the south side of the warehouse structures.
10. The developer shall construct a six foot (6') high masonry wall with stucco finish on the exterior surfaces along the entire perimeter of this site abutting residential zoning. This wall shall be supplemented with landscaping along the Cherokee Avenue frontage and shall have two 15' wide solid wooden gates located at either end of the Cherokee frontage to permit emergency equipment access only.
11. No assembly, processing or other noise generating activities are permitted between the hours of 10:00 P.M. and 6:00 A.M.
12. The developer shall provide a minimum of thirty (30') foot turning radii within the property to permit circulation of emergency vehicles.

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

Peggy E. Evatt, Chairman - ABSENT
Ken Spillias, Vice Chairman - AYE
Dennis P. Koehler, Member - ABSENT
Dorothy Wilken, Member - AYE
Bill Bailey, Member - AYE

The foregoing resolution was declared duly passed and adopted this 13th day of September, 1983, confirming action of 24th March 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Fredy Mas...*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Corlett
County Attorney

