

RESOLUTION APPROVING ZONING PETITION 85-104, 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. 85-104 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd August 1985 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. With site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Additional buffering is necessary to protect residential uses along the eastern property line.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1985, that Petition No. 85-104 the petition of PEMBROKE DEVELOPMENT CORP. By Herman Soifer, Agent, for a SPECIAL EXCEPTION TO ALLOW ENCLOSED STORAGE FACILITIES INCLUDING AN AUTOMOBILE REPAIR FACILITY on the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East, and all that part of Section 15, Township 46 South, Range 42 East, lying South of the South right-of-way line of Delray West Road (S.R. 806). Said property located on the south side of Delray West Road (S.R. 806) approximately 1 mile west of Military Trail (S.R. 809) was approved as advertised subject to the following

conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:

a) The required eighty-six (86) parking spaces, or have obtained Board of Adjustment variance relief for the proposed substandard parking allocation.

b) Landscape treatment and site plan graphics and labeling for same pursuant to requirements of Section 4. and subsections of the county landscape code. In addition to the minimum requirements.

c) A loading demand statement pursuant to Code Section 500.19.B.

d) Landscape shall be installed pursuant to file Exhibit No. 22 and graphics presented at the Planning Commission and Board of County Commissioners Public Hearings.

e) The required parking stalls located so as not to obstruct circulation to loading areas or overhead garage doors.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

3. Enclosed loading areas shall be separated from any nearby residential areas by ten foot high wing walls.

4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

5. The east, west and south facades of the moving and storage facility shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development, and commercial activities.

6. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.

7. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the auto care and moving and storage facility.

8. The petitioner may seek variance relief from the 6 foot wall requirement for portions of the site where building facades oriented to the property lines contain no openings and where there would be no exposure of neighboring properties to vehicular circulation routes. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas. Existing vegetation along the rear 150 feet of the eastern property line shall be preserved.

9. Security lighting shall be directed away from nearby residences.

10. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

11. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

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12. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to

installation.

13. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, P.A.C.

14. The hours of operation shall be limited from 7:00 A.M. to 7:00 P.M.. From 7:00 P.M. to 7:00 A.M. the site shall be secured from vehicular and pedestrian access. On Sundays, hours shall be limited from 7:00 A.M. to 2:00 P.M.

15. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

16. The property owner shall construct a left turn lane east approach and a right turn lane west approach on Delray West Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval.

17. The petitioner shall convey to the Lake Worth Drainage District the eighty (80) feet shown on the petition survey for the required right-of-way for the Lateral Canal No. 34, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

A mutually agreed upon reduction in the required right-of-way may be conveyed if a large pipe is installed in lieu of an open canal. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

18. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

19. The property owner shall obtain a Turnout Permit from the Department of Transportation for access onto Delray West Road.

20. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

21. 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 \$6,430.00.

22. The use of this site shall be strictly limited to dry storage. There shall be no leasing of space for any manufacturing, retailing, or service enterprises.

23. There shall be no storage of abandoned or disassembled vehicles at this site.

24. There shall be no dogs used for security purposes,

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

Ken Adams, Chairman  
Karen T. Marcus, Vice Chairman  
Kenneth Spillias, Member  
Jerry L. Owens, Member  
Dorothy Wilken, Member

AYE  
AYE  
AYE  
ABSENT  
NAY

The foregoing resolution was declared duly passed and adopted  
this 26th day of November 1985 confirming action of the 23rd August  
1985. 85 1073 DD

FILED THIS ..... DAY OF  
NOV 26 1985 ..... 19.....  
AND RECORDED IN  
MINUTE BOOK NO. 182 ..... AT  
PAGE 300 ..... RECORD VERIFIED  
JOHN B. DUNKLE, CLERK  
BY S.F. .... D.C.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

[Signature]  
County Attorney