

RESOLUTION NO. R-88- 1623

RESOLUTION APPROVING ZONING PETITION NO. 75-151(A)
SPECIAL EXCEPTION PETITION OF LAKESIDE ASSOCIATES, INC.

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. 75-151(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 30, 1987; 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. 75-151(A), the petition of LAKESIDE ASSOCIATES, INC., for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE VILLA DELRAY WEST PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 75-151 ON NOVEMBER 20, 1975 (RESOLUTION NO. 75-863, ADOPTED ON DECEMBER 2, 1975) TO INCLUDE A DRY CLEANING FACILITY IN A COMMERCIAL POD on a parcel of land lying in Section 14, Township 46 South, Range 42 East, being more particularly described as follows: Tract "C" of the Plat of "Plat No. 6 of Delray Villas" as recorded in Plat Book 47, Pages 24-25, located approximately 1/2 mile west from the intersection of Military Trail and Atlantic Avenue, on the north side of Atlantic Avenue,

in a RS-Residential Single Family Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The delineation of the proposed use within the center.
 - b. An additional loading berth in proximity to the dry cleaning facility.
 - c. One (1) of three (3) alternative landscape strips along the northern property line.
3. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

4. The property owner shall convey for the ultimate right-of-way of Delray West Road, 60 feet from centerline within 90 days of the approval of the Resolution approving this project or prior to issuance of the first building permit, whichever shall first occur.
5. The property owner shall construct:
 - a. left turn lane, west approach on Delray West Road at each median opening permitted by the Florida Department of Transportation for this project.
 - b. an eight (8) foot wide pedestrian circulation path on the north side of Delray West Road from Via

Flora to Lakes of Delray Boulevard as approved by Florida Department of Transportation. Construction shall then be asphalt or concrete.

all concurrent with onsite paving and drainage improvements.

- 6. 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.
- 7. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
- 8. Since water service is available to the property, a potable water well shall not be approved for water use on said property.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 30, 1987.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE

BY: 
DEPUTY CLERK

