

RESOLUTION NO. **R-89-725**

RESOLUTION APPROVING ZONING PETITION NO. **88-86**
SPECIAL EXCEPTION PETITION OF RICHARD E. CASTOR

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. **88-86** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July **28, 1988**; 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. **88-86** the petition of RICHARD E. CASTOR, by Kieran J. Kilday, for a SPECIAL EXCEPTION TO PERMIT AN OFFICE/WAREHOUSE COMBINATION, on a parcel of land lying at the Northeast **1/4** of Tract **70**, Sub of Section **19**, Township **44** South, Range **43** East, as recorded in Plat Book **6**, Page **66**, being located on the south side of Second Avenue North, approximately **.2** mile east of Davis Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan will be revised to indicate the following:
 - a. Three (3) handicap spaces in the tabular data;
 - b. Landscape Buffer Alternative **No. 1** or **No. 2** along the western property line;

- c. Relocate the sign out of required landscape terminal island:
 - d. Minimum dimensions for grade level tree planting areas along east property line;
 - e. Addition of required terminal island separating vehicular parking from loading berths:
 - f. Locate and identify the live oak tree.
2. No off-premise signs shall be permitted on the site.
 3. The existing oak trees shall be preserved.
 4. The five (5) parking spaces labeled as employee parking on the site plan shall be clearly marked on the pavement and by signage. The marking shall indicate "employee parking only."
 5. 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.
 6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 8. 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.

9. 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 surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for 2nd Avenue North, 40 feet from centerline free of all encumbrances and encroachments. Petitioner 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.
11. 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 \$6,296.00 (235 trips X \$26.79 per trip).
12. The landscape strip that supports the gate located on the south property line shall not be required a curb cut. This access shall be limited to emergency use only.
13. Failure to comply with the conditions herein 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 Elmquist moved for approval of the petition. The motion was seconded by Commissioner Watt and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye


The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

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