

RESOLUTION NO. R-89- 1070

RESOLUTION APPROVING ZONING PETITION NO. 88-65
SPECIAL EXCEPTION PETITION OF HOWARD DARDASHTI

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. 88-65 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 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. 88-65 the petition of HOWARD DARDASHTI, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land lying on Lot E, Block 1, Palm Beach Farms Co. Plat No. 7, in Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72. Less, the South 35 feet thereof for Canal Right-of-Way, being located on the west side of Congress Avenue (SR 807), approximately .1 mile south of Lake Worth Road (SR 802), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required landscape strip along the north and south property lines:
 - b. Required setback for all structures: and

- c. Required six (6) foot high screen enclosure around the trash receptacle.
2. Use of the site shall be limited to 6,020 square feet of office and retail uses.
3. The side and rear facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.
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. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
6. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center.
7. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.
8. The site shall be cleared of all prohibitive species prior to the issuance of a building permit.
9. No off-premise signs shall be permitted on the site.
10. All proposed outdoor site lighting used to illuminate the premises shall be low intensity and directed away from adjacent residentially zoned property and shall not exceed twenty-five (25) feet in height.
11. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
12. 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.

13. 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 Congress Avenue, 53 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.
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 \$9484 (354 trips X \$26.79 per trip).
15. No entrances shall be allowed along the southern facade of the structure.
16. No building permits shall be issued for Phase II of the development as shown in Exhibit No. 21 until public sewer is available and application is approved by the Health Department.
17. At a minimum, the site shall be landscaped as indicated on Exhibit No. 25.
18. 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 Roberts moved for approval of the petition. The motion was seconded by Commissioner Howard and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

