

RESOLUTION NO. R-90- 517

RESOLUTION APPROVING ZONING PETITION NO. 82-137(A)
SPECIAL EXCEPTION PETITION OF
ASSET DEVELOPMENT CORPORATION, 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 have been satisfied; and

WHEREAS, Petition No. 82-137(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 82-137(A), the petition of ASSET DEVELOPMENT CORPORATION, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION TO INCLUDE 13 A PLANNED COMMERCIAL DEVELOPMENT; AND 23 WHOLESALE BUILDING SUPPLIES (PETITION 82-137), on a parcel of land being Lots 1 through 166 inclusive, and Lots 43, 44, 45, and 46, Block 25, West Gate Estates, recorded in Plat Book 8, page 38, Section 30, Township 43 South, Range 43 East, being located on the north side of Westgate Avenue and on the south side of Cherokee Avenue, approximately 350 feet west of Wabasso Avenue, in the CG-General Commercial Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. All previous conditions of approval shall apply unless expressly modified herein.
2. Condition No. 2 of Petition No. 82-137 (Resolution No.83-1034) which states:

"2. No retail business shall be permitted in this development."

Is hereby deleted.

3. The site shall be limited to:
 - a. Office-warehouse-11,000 square feet; and,
 - b. Wholesale/retail-4,000 square feet.
4. **No** outside storage of material shall be permitted.
5. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
6. Parking shall be permitted in designated parking spaces only. **No** parking within rights-of-way, landscape strips or accessways shall be permitted.
7. 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.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
9. Water service is available **to** the property. Therefore, no well shall be permitted on the site to provide potable water.
10. 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.
11. If required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
12. In addition the Developer shall contribute the amount of **\$88.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$88.00

shall be paid prior to the issuance of the first Building Permit.

13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$88.00 shall be credited toward the increased Fair Share Fee.
14. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
15. Prior to site plan review submittal the site plan shall be amended to indicate:
 - A. The construction of a six (6) foot high concrete block and stucco wall along the entire length of the north property line; and,
 - B. Native canopy trees twelve (12) feet in height, planted twenty (20) feet on center alternately placed on each side of the required wall along the entire length of the north property line. Gates shall be placed in the wall to allow emergency access.
16. Prior to issuance of a Building Permit, Road right-of-way forty (40) feet from centerline of Westgate Avenue shall be dedicated to Palm Beach County
17. Prior to Site Plan Review submittal, the site plan shall be amended to indicate the following Westgate/Belvedere Homes CRA conditions:
 - a. The petitioner shall construct or fund the construction of sidewalks and applicable CRA streetscape paving designs within road rights-of-way and landscape strip along Westgate Avenue concurrent with on site paving and drainage improvements. This sidewalk shall be a width of five (5) feet and construction plans shall be subject to approval by the County Engineer Funds shall be paid prior to submittal for a Building Permit and given to Palm Beach County Engineering Department for the Westgate/Belvedere Homes CRA Road Improvement program.
 - b. Outdoor loud speaker or public address systems shall not be permitted on site;
 - c. An upgraded buffer along the west and north property lines, separating incompatible land uses, as stated in the Palm Beach County Zoning Code, Section 500.35, Figure 500.35.2. The upgraded buffer shall include:
 - i. a six (6) foot high concrete block and stucco wall;
 - ii. native canopy trees, a minimum ten (10) feet in height with a minimum six (6) foot spread, spaced twenty (20) feet on center; and,

- iii. a hedge twenty-four (24) inches in height, spaced twenty-four (24) inches on center.
 - d. The landscape strip along Westgate Avenue shall meet the requirements of Section 500.35 (Landscape Code) and the CRA District Streetscape Program. The landscape strip shall be irrigated by an automatic system and be maintained by the property owner.
18. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
 19. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site.
 20. The petitioner shall fund a pro-rata share of the cost of Roadway expansion within the CRA District. Funding shall be based upon the cost of one twelve (12) foot travel lane along the Westgate Avenue frontage. The funds shall be paid to Palm Beach County Engineering for the Westgate/Belvedere Homes CRA Roadway Improvement Program concurrent with the submittal of a Building Permit application.
 21. No access other than emergency access shall be permitted onto Cherokee Avenue and shall be signed appropriately.
 22. Failure to comply with any conditions of approval 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 Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKEE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

