

RESOLUTION NO. R-85-649

RESOLUTION APPROVING ZONING PETITION 82-148(A), 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. 82-148(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th January 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. This proposal is consistent with the requirements of the Comprehensive Plan.
2. With minor site plan revisions, the proposal will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF **PALM** BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of January 1985, that Petition No. 82-148(A) the petition of KIERAN J. KILDAY, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on lots 1 and 2, Sunny Acres Suburban Homesites No. 2, as recorded in Plat Book 23, Page 198; together with the North 185 feet of the West 100 feet of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4, in Section 24, Township 44 South, Range 42 East. Said property located on the southeast corner of the intersection of 10th Avenue North and Greene Drive was approved as advertised subject to the following conditions:

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

- a) The required six-foot high solid masonry wall supplemented by 12' to 14' canopy trees planted at twenty feet on center shall be provided along the South and East property boundaries abutting residential development.
 - b) A 12' X 30' loading bay with the enclosed loading areas separated from any nearby residential areas by ten foot high wing walls shall be provided.
 - c) All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
 - d) The south facade 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.
 - e) No loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
 - f) No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted south of the building.
 - g) Security lighting shall be directed away from nearby residences.
2. 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.
 3. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.
 4. 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.
 5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
 6. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.
 7. 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.
 8. The property owner shall convey for the ultimate right of way of 10th Avenue North, 54 feet from centerline approximately an additional 14 feet within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
 9. The Development shall be limited to 3,557 square feet of General Commercial uses.
 10. 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. Presently The Fair Share Fee for this project is \$5,263.00.
 11. The developer shall construct concurrent with the construction of the project's entrance road onto 10th Avenue North, a left turn lane east approach on 10th Avenue North per the County Engineer's approval.

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

Ken Spillias, Chairman	--	AYE
Dorothy Wilken, Vice Chairman	--	ABSENT
Kenneth M. Adamn, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 23rd day of April, 1985, confirming action of the 24th January 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Donna McWilliam
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Amador
County Attorney