

RESOLUTION NO. R-86-860

RESOLUTION APPROVING ZONING PETITION 86-39, Rezoning

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. 86-39 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 1986; 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 petitioner has agreed that the required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center; and

WHEREAS, the petitioner has agreed that security lighting shall be directed away from nearby residences; and

WHEREAS, the petitioner has agreed that all facades of the building shall be given architectural treatment consistent with the front of the building to avoid an incompatible appearance impact upon nearby residential development; and

WHEREAS, the petitioner has agreed that all mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area; and

WHEREAS, the petitioner has agreed that 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; and

WHEREAS, the petitioner has agreed that reasonable measures

shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters; and

WHEREAS, the petitioner has agreed that any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans will be submitted to the Health Department for approval prior to installation; and

WHEREAS, the petitioner has agreed that 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.; and

WHEREAS, the petitioner has agreed that 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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval; and

WHEREAS, the petitioner has agreed that 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 \$7,930.00 (294 trips X \$26.79 per trip); and

WHEREAS, the petitioner has agreed that the property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit; and

WHEREAS, the petitioner has agreed that the property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Whatley Road; and

WHEREAS, the petitioner has agreed that the property owner shall be permitted only one turnout onto Whatley Road and shall not be permitted access onto West Atlantic Avenue; and

WHEREAS, the petitioner has agreed that the landscaping shall be installed on the exterior side of the required wall along the south property line abutting residential areas pursuant to

Section 500.35 (Landscape Code) Subsection G.6 (Alternative Landscape Betterment Plan); 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 Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of May 1986, that Petition No. 86-39 the petition of HELEN LOUGHRIN By Manuel S. Andrade, Agent, for the REZONING, FROM AR-AGRICULTURAL RESIDENTIAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on Lots 10 and 11 of Country Club Acres Subdivision in Section 13, Township 46 South, Range 42 East, as recorded in Plat Book 24, Page 10. Said property located on the southwest corner of the intersection of West Atlantic Avenue (S.R. 806) and Whatley Road was approved as advertised with voluntary commitments.

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

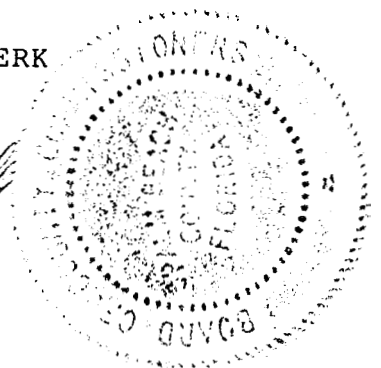
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	NAY
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of June, 1986 confirming action of the 2nd May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Hally
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Andy Sprague
County Attorney