

RESOLUTION NO. R-89-611

RESOLUTION APPROVING ZONING PETITION NO. 80-179(A)
SPECIAL EXCEPTION PETITION OF GEORGE AND SUSAN M. TURENNE

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. 80-179(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 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. 80-179(A) the petition of GEORGE AND SUSAN M. TURENNE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A OFFICE WAREHOUSE COMBINATION PREVIOUSLY APPROVED ON ZONING PETITION NO. 80-179 TO (1) INCREASE THE BUILDING SQUARE FOOTAGE AND, (2) TO INCREASE THE LAND AREA on a parcel of land lying on Lots 16, 17, 18, 19, 46, 47, 48, 49 and 50, all in Block 27, WESTGATE ESTATES NORTHERN SECTION, in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 8, Page 38, located on the north side of Westgate Avenue, approximately 230 feet west of Seminole Boulevard, and bounded on the north by Cherokee Avenue, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions

of approval unless expressly modified herein.

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Eliminate existing dumpster from twenty (20) foot back-up distance between property line and first stall.
 - b. Compliance with Condition **No. 8** regarding the garage bay doors.
 - c. Required six (6) foot high wall along the western property line abutting **RH** zoning. The wall is to be located on property line to allow maintenance of buffer between proposed warehouse and western property line, or install perimeter landscaping meeting the requirements of alternative number three.
 - d. Second floor or loft square footage, if proposed.
3. **No** emergency access from site onto Cherokee Avenue shall be allowed and the landscape strip will meet all code requirements.
4. outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent residential properties located to the east and the west, shining only on the subject site.
5. **No** stock loading or dumpster pickup will be permitted between the hours of **9:00 P.M.** and **7:00 A.M.**
6. **No** off-premise signs shall be permitted on site.
7. Use of the site shall be limited to warehousing with accessory office space.
8. Garage bay doors shall be oriented away from any properties zoned or used for residential purposes. In the event that this condition cannot be satisfied, the required landscaping along the perimeter which the garage bay doors face shall be upgraded by planting canopy trees a minimum of twelve (12) feet in height, spaced a maximum of twenty (20) feet apart (on center). **Any** other provisions required under Section 500.35.3 of the Zoning Code (Landscaping the Perimeter of Lots) shall still apply.
9. The developer shall retain 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

three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

10. 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 \$2,277.00 (85 trips X \$26.79 per trip).
11. 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.
12. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
13. Since water service is available to the property, a potable water well shall not be approved for use on said property.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 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

