

RESOLUTION NO. R-90-344

RESOLUTION APPROVING ZONING PETITION NO. 89-71
SPECIAL EXCEPTION PETITION OF DANIEL S. CATALFUMO

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. 89-71 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 89-71 the petition of DANIEL S. CATALFUMO, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING (2) AN OFFICE/WAREHOUSE COMBINATION on Lots 1 through 15, inclusive, and Lots 31 through 45, inclusive, Block 26, West Gate Estates (northern Section), according to the Plat thereof as recorded in plat Book 8, Page 38, Public Records of Palm Beach County, Florida; Together with the South 20.00 feet of that part of the Right-of-Way for Cherokee Avenue, lying Easterly of the Right-of-Way for Wabasso Drive and lying adjacent and contiguous to Lots 1 through 15, inclusive, Block 26 of said plat of West Gate Estates; less the West 20.00 feet and the South 13.00 feet of the above described parcel for additional road Right-of-way, being located on the northeast corner of the intersection of Westgate Avenue and Wabasso Drive in a CG-GENERAL COMMERCIAL ZONING DISTRICT, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to:
 - a. Satisfy all minimum property development regulations and land development requirements;

- b. Delete the eight (8) foot wing wall along the north side of the loading court;
 - c. Delete two (2) extra parking spaces within the loading area which are above the parking code requirements;
 - d. Increase the width of the access point along Wabasso Drive from twenty (20) feet to twenty-five (25) feet to allow for two-way traffic circulation;
 - e. Incorporate and preserve native vegetation into the site design;
 - f. Indicate the allocated square footage for the PCD and the Office/Warehouse combination; and,
 - g. Safe site triangles where determined by staff on corners of the proposed buildings.
2. No off premise signs shall be permitted on site.
 3. 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.
 4. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 6. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
 7. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C.
 8. 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.

9. 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.
10. Within 90 days of approval of this project or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a. Wabasso Drive (Palm Beach Lakes Boulevard Extension), 64 feet from centerline; and,
 - b. Westgate Avenue, 60.5 feet from centerline

All free of encumbrances and encroachments. Property owner 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.

11. 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.
12. Use of the site shall be limited to 11,022 square feet of Office/Warehouse and 13,158 square feet of permitted general commercial uses (PCD).
13. The petitioner shall construct or fund construction, at the discretion of the County Engineer, sidewalks and applicable CRA streetscape paving designs within the road right-of-way and landscape strip along Westgate Avenue and Wabasso Drive, 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.
14. The landscape strip along Westgate Avenue and Wabasso Drive 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.
15. 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.
16. 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.

17. Prior to Site Plan Certification, the site plan shall be amended to indicate an upgraded buffer along residentially zoned property shall separate 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 unless prior to building certificate of occupancy the adjacent property has commercial land designation;
 - 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.
18. Any funds paid, as outlined in Condition No. 13 and 15, shall be used within a .5 mile radius of this project.
19. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

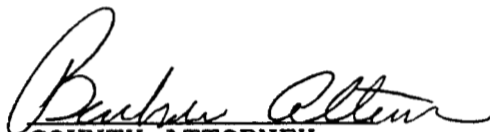
Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLEE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

