

RESOLUTION NO. R-90-374

RESOLUTION APPROVING ZONING PETITION NO. 84-123(A)
SPECIAL EXCEPTION PETITION OF OLD DIXIE PARTNERS

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. 84-123(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 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. 84-123(A) the petition of OLD DIXIE PARTNERS, by David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN OFFICE/WAREHOUSE COMBINATION, TO REDESIGN THE SITE, on a parcel of land being that portion of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 42 South, Range 43 East, lying between the Florida East Coast Railroad right-of-way on the East and a County Road, 40.00 Feet wide, (Old Dixie Highway) on the West, less a strip of land 66.00 feet wide, for a public right-of-way known as Richard Road; and, being located on the southeast corner of the intersection of Richard Road and Old Dixie Highway, bounded on the east by Florida East Coast Railroad Right-of-way, in the CG-General Commercial Zoning District, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval of Petition No. 84-123 (Resolution R-85-38) unless expressly modified herein.
2. 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,

3. The site shall be limited to 21,300 square feet of office warehouse combination.
4. The site shall be landscaped pursuant to Section 500.35 (Landscape Code).
5. No storage bay doors shall face Residential zoned property nor shall they be visible from any public street.
6. No outdoor loudspeaker system shall be permitted on site.
7. No outdoor storage, of any kind, shall be permitted on site,
- a. All dumpsters and trash receptacles shall be screen from view from adjacent lots and streets.
9. All outdoor lighting shall be of low intensity, shielded and directed away from adjacent property, shining only on subject site.
10. There shall be no off premise signs permitted onsite.
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. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. Condition No. 6 of Zoning Petition 84-123 which presently states:

"6. 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. Presently, the Fair Share Fee for this project is \$2,663.00."

is hereby amended to read as follows:

"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.
15. Canopy vegetation along rights-of-way shall be upgraded to include twelve (12) foot native canopy trees.
16. The minimum pavement width for Old Dixie Highway

shall be a minimum of twenty (20) feet in width. Should there be less than twenty (20) feet of pavement adjacent to the site, then this petitioner shall construct Old Dixie Highway to a minimum of twenty (20) feet in width.

17. 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 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, 1993

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

