

RESOLUTION NO. R-90-1307

RESOLUTION APPROVING ZONING PETITION NO. 89-71(A)
SPECIAL EXCEPTION PETITION OF R. CARROLL PEACOCK
BY JEFF LIS, AGENT

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(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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(A), the petition of R. CARROLL PEACOCK, BY JEFF LIS, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PLANNED COMMERCIAL DEVELOPMENT TO INCLUDE NEW AND USED BOAT AND RECREATIONAL VEHICLE SALES AND REPAIR on a parcel of land lying in Section 30, Township 43 South, Range 43 East, Lots 1 through 15, inclusive, and Lots 31 through 45, inclusive, Block 26, WEST GATE ESTATES (Northern Section), Plat Book 8, Page 38; 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 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 and being located on the northeast corner of Westgate Avenue and Wabasso Drive in a CG-General Commercial Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

2. Condition **No.12** of Petition **89-71** which presently states:

"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)."

is hereby amended to read:

"Use of site shall be limited to **7,222** square feet of office/warehouse, **3,800** square feet of new and used inflatable boat sales and service and **13,158** square feet of commercial uses related to office/warehouse in function, character and trip generation.@@

3. **No** display shall take place in the required parking stalls or the petitioner shall receive appropriate variance relief.
4. Point of purchase signage shall be limited to one pole sign a maximum of twenty-five feet (**25'**) in height along each right-of-way for Westgate Avenue and Wabasso Drive. The area of the signage shall be limited to one square foot of signage for each two lineal feet of frontage along Westgate Avenue and Wabasso Drive.
5. 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.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The owner, occupant or tenant **of** the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste **oil**.
9. **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,
10. Condition **No. 18** of Petition **No. 89-71** which presently states:
- "**18**. Any funds paid, as outlined in Condition **No. 13** and **15** shall be used within a .5 mile radius of this project."

is hereby amended to read:

"Any funds paid, as outlined in Condition **No. 13** shall be used within a .5 mile radius of this project."

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard 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 7th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Alter*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK

