

RESOLUTION NO. E-83-1417

RESOLUTION APPROVING ZONING PETITION 83-48, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 103 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. 83-48 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 August 1983; 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 Board of County Commissioners made the following findings of fact:

1. The proposed rezoning and special exception are permitted under the requirements of the Land Use Plan and Zoning Code.
2. The proposed quasi-industrial use would not be in keeping with the developing character of this retail/office commercial area unless developed to high standards and maintained in an appropriate manner.
3. This site should be developed to no more than 90% impervious area to make realistic provisions for drainage and landscaped areas.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day August 1983, that Petition No. 83-48 the petition of KIRKBY J. KILBAY, for a SPECIAL EXCEPTION TO ALLOW AN OFFICE WAREHOUSE COMBINATION on the Southeast 1/4 of Tract 70 and Tract 71; less the East 132 feet of Tract 71 as recorded in Plat Book 6, Page 66, Section 19, Township 44 South, Range 43 East. Less right-of-way for Lake North Road and additional road right-of-way in Official Record Book 2644, Page 234. Said property located on the north side of Lake North Road (S.P. 802), being bounded on the south by 2nd Avenue north, approximately

.3 mile west of Congress Avenue was approved as advertised subject to the following conditions:

1. Based upon the petition's traffic statement, the office space portion of this development shall be limited to a maximum of 17,532 square feet. No retail activities will be permitted within this development.
2. The 2nd Avenue North and Lake Worth Road facades shall be designed to present an appearance compatible with the office park character desired for this area.
3. The site plan shall be redesigned to provide for no more than 90% impervious area, to specify exactly which buildings will be used for office purposes, and to reflect dumpster enclosures.
4. Development shall be limited to a total of 38,578 sq. feet of floor area until connection to the Palm Springs Sanitary Sewage system is obtained. In addition, the developer shall install all on-site and off-site underground systems necessary to accomplish connection to the Palm Springs Sanitary Sewage System, to be installed prior to the issuance of a Certificate of Occupancy. Sewage connection shall be accomplished within 30 days after lifting of the current connection moratorium.
5. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
6. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
7. This development must retain onsite 85% of the storm-water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
8. The property owner shall convey for the ultimate right-of-way for 2nd Avenue North, 40 feet from centerline, approximately an additional 15 feet, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.
9. The developer shall align the proposed entrance onto Lake Worth Road with the existing median opening.
10. The developer shall construct a left turn lane west approach on Lake Worth Road at it's intersection with the project's entrance road.
11. The developer shall contribute:
 - a) \$225 per 1,000 square feet of general office space, and
 - b) \$62 per 1,000 square feet of warehouse spaceto be paid at the time of issuance of building permits toward the cost of meeting this parcel's direct and identifiable traffic impact.
12. No automotive or outdoor repairs shall be permitted.

Commissioner Koehler , moved for approval ,

of the petition. The motion was seconded by Commissioner WILKEN ,

and upon being put to a vote, the vote was

as follows:

Peggy I. Evatt, Chairman	-- ABSENT
Ken Spillias, Vice Chairman	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Sorothy Wilken, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this 8th day of November, 1983, confirming action of 25th August 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN E. BUNKLE, CLERK

BY:

Grace M. Yee
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Carlett
County Attorney