

RESOLUTION NO. R-84-344

RESOLUTION APPROVING ZONING PETITION 83-146, Special Exception

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-e have been satisfied; and

WHEREAS, Petition No. 83-146 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December- 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 Special Exception is consistent with the requirements of the Comprehensive Plan.
2. With minor modification to the proposed site plan, this development can be accommodated to the subject site in conformity with the requirements of the Zoning Code.
3. With appropriate screening, this development would be compatible with future development of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day December 1983, that Petition No. 83-146 the petition of N. KENT WILMERING, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on a parcel of land out of Tract 26, Model Land Company Subdivision in Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79; commencing at the Southeast corner of Tract 27 of said Subdivision and go in a Westerly direction along the South line of said Tract 27 and Tract 25 a distance of 450.00 feet to a point; thence turn an angle of 90 degrees from East to North and going a distance of 15.0 feet to a point in the North right-of-way of 10th Avenue North. Said point being the Point of

Beginning; thence continue along the same line a distance of 300.00 feet to a point; thence turning an angle of 90 degrees from South to West and going a distance of 278.0 feet to a point in the Easterly right-of-way line of Canal E-4 (Keller Canal); thence turn an angle of 111 degrees 11'07" from East to Southwesterly and go along said canal E-4 right-of-way line a distance of 321.74 feet to a point in the North right-of-way line of 10th Avenue; thence go in an Easterly direction along said North right-of-way line of 10th Avenue North, a distance of 894.26 feet to the Point of Beginning; Less the South ten feet thereof. Said property located on the north side of 10th Avenue North, approximately .1 mile west of Boutwell Road was approved as advertised subject to the following conditions:

1. This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right-of-way of 10th Avenue North, 54 feet from centerline, approximately an additional 14 feet, within ninety (90) days of approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
3. This development shall be limited to the following land uses in order to meet the Mandatory Traffic Performance Standard:
  - a) a maximum of 14,880 square feet of General Commercial, excluding restaurant and lounge use.
  - b) a maximum of 3,800 square feet of high quality sit-down restaurant (this shall not include a Fast Food type).
  - c) a minimum of 4,120 square feet of office space.
4. The developer shall construct a left turn lane, west approach on 10th Avenue North at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
5. The developer shall align the project's entrance with that approved by Petition 81-195.
6. The developer shall contribute toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit:
  - a) \$1.25 per square foot of General Commercial.
  - b) \$.72 per square foot of Restaurant.
  - c) \$.23 per square foot of Office Space.
7. 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.

8. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
9. No restaurant or lounge will be permitted until such time as connection to the Lake Worth sanitary sewer system is available.
10. Prior to certification, the site plan shall be amended to reflect the following:
  - a) canopy trees planted at twenty feet on center along the property's East and North boundaries and
  - b) provision of the required loading spaces and dumpster enclosure away from the North and East property boundaries.

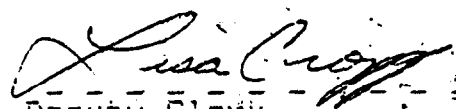
Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

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

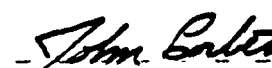
The foregoing resolution was declared duly passed and adopted this 13th day of March, 1984, confirming action of 1st December 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney