

RESOLUTION NO. R-83-796

RESOLUTION APPROVING ZONING PETITION 83-33, 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. 73-2 have been satisfied; and

WHEREAS, Petition No. -83-33 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th April 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 Comprehensive Plan pursuant to a 1982 Plan Amendment and with the Mandatory Performance Standards.
2. The proposed revised site plan satisfies property development requirements and provides for adequate buffering to protect nearby residences.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28 day of April, 1983, that Petition No. 83-33 the petition of THOMAS R. AND SHERYL DAVIDOFF, SAMUEL SCHWARTZ, TRUSTEE, LOUIS P. BATTO, TRUSTEE AND LORETTA WOLOSZYK, By Kieran Kilday, Agent; for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK on Lots 1 thru 7, 22, 23 and 24, Kanawha Park, in Section 28, Township 44 South, Range 42 East, as recorded in Plat Book 23, page 248. Said property located on the northwest corner of the intersection of Clendenin Street and Barnet Street (66th Terrace South), approximately 60 feet from the centerline of Lake Worth Road (S.R.802), was approved as advertised subject to the following conditions:

1. Landscaping and buffering provisions along the south property boundary shall be installed as shown on File Exhibit #12 as amended by Condition #11.

2. Security lighting shall be directed away from nearby residences.
3. Dumpster and loading activities shall be limited to the Canal **Drive** portion of the property.
4. The developer shall construct concurrent with on site paving and drainage improvements authorized by a permit issued from the office of the County Engineer, a street connection from the project's entrances onto Canal Drive to Lake Worth Road.
5. This development shall not be permitted a median opening on Lake Worth Road at the eastern terminus of Canal Drive.
6. The developer shall contribute Fifteen Thousand Five Hundred and Fifty Dollars (\$15,550) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the rate of \$250.00 per thousand square feet of General Office Building and \$938.00 per 1,000 square feet of Medical Office Building.
7. No access shall be permitted to either **Barnet** Street or Clendenin Street.
8. The development must retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
9. 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.
10. The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.
11. The edge of pavement at the southerly end of the parking lot shall be moved north 50 feet and the wall shall also be moved the same distance north. That 50 ft. area shall be landscaped consistent with the treatment of the balance of the buffer area,

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

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

The foregoing resolution was declared duly passed and adopted this **19th** day of **July** , **1983** , confirming action of 28th April 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Lisa Cropp*
Deputy Clerk

APPROVE AS TO FORM
AND LECAL SUFFICIENCY

John Bartlett
County Attorney