

RESOLUTION NO. R-83-986

RESOLUTION APPROVING ZONING PETITION 83-35, 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. 83-35 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the **recommendatons** 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 **exceptionare** consistent with the Land Use Plan designation and Mandatory Performance Standards of the Comprehensive Plan and the requirements of the Zoning Code.
2. The proposed use can be accommodated to the subject site while meeting all property development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 26th day May 1983, that Petition No. 83-35 the petition of GEROLD J. AND MARILYN F. HARBEKE, for the FURTHER SPECIAL EXCEPTION TO ALLOW AN OFFICE WAREHOUSE **COMBINATION** on a tract of land lying in Section 13, Township 44 South, Range 43 East, being more particularly described as follows: All of Lots **3,4** and **5** together with Lot **6** less the West less the West **50** feet thereof, "**Plat of veldor**" as recorded in Plat Book **23**, Page **50**, together with the West 405.90 feet of the East 458.90 feet of the South **1/2** of the North **1/4** of the Southeast **1/4** of the Southwest **1/4** of

Section 13, Township 44 South, Range 42 East. Said property located on the north side of Kelly Drive, approximately 138 feet west of Military Trail (S.R.809), was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation on this property.
2. The developer shall construct and pave Kelly Drive from Military Trail to the project's west property line concurrent with on-site paving and drainage improvement according to a paving and drainage permit issued by the Office of the County Engineer.
3. The developer shall contribute \$821.00 toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of permits on a prorata bases of \$250/1,000 sq. ft. office and \$62/1,000 sq. ft. for warehouse space.
4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division, County Engineering Department.
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 entire site shall be unified by a Unity of Title prior to the issuance of building permits.
8. The developer shall construct a solid six foot wall along the Kelly Drive frontage supplemented by landscaping along Kelly Drive and walls as required by Code, all to be constructed prior to issuance of a Certificate of Occupancy.
9. If required by the Board of County Commissioners the developer will install "No Parking" signs along Kelly Drive at his expense.

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

The foregoing resolution was declared duly passed and adopted this **30** day of August , **1983** , confirming action of 26th May 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 LEGAL SUFFICIENCY

John Cabell
County Attorney