

RESOLUTION NO. R-85-34

RESOLUTION APPROVING ZONING PETITION 84-110, 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. 84-110 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 24th of August 1984; 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 proposal, with variance relief, will meet the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 24th of August 1984, that Petition No. 84-110 the petition of JOHN R. NEERING By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on Lots 12 and 13, Less the West 80 feet and Lots 14 and 15, Less the South 15 feet of said Lots 13, 14, and 15, Lakewood Gardens, Plat No. 3, in Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 22, Page 14. Said property located on the northwest corner of the intersection of Gulfstream Road and 10th Avenue North was approved as advertised subject to the following' conditions:

1. Prior to certification of the site plan by Site Plan Review Committee, the site plan shall be amended to reflect:

- a) Modification of the proposed addition to meet the 50 foot front setback requirement, or the petitioner shall obtain variance

relief from the Board of Adjustment.

2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.
3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
5. The developer shall retain on-site 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.
6. 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 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
7. The developer shall only be permitted one access onto 10th Avenue North and only one access onto Gulfstream Road per the County Engineers approval.
8. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$6125.00.
9. There shall be no outside storage on the site.
10. The use of the site shall be limited to retail furniture sales.
11. Trucks entering and leaving the site shall be limited to the 10th Avenue North access.

Commissioner Wilkens, 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:

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

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 24th of August 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Charlene Harris
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney