

**RESOLUTION NO. R-84-64**

**RESOLUTION APPROVING ZONING PETITION 63-1 14, Special Except ion**

**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. 83-114 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th September 1963; 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 use is consistent with the minimum requirements of the Camprehensive Plan and Zoning Code, since the proposed use will provide products and services of an agricultural nature to local area' nurseries.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day September 1983, that Petition No. 83-114 the petition of ROSACKER PROPERTIES, INC., By Beril Kruger, Agent, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL SALES AND SERVICE ENTERPRISE on the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 in Section '22, Township 46 South, Range 42 East, less the right-of-way for State Road 806. Said property located on the south side of Delray West Road (S.R. 806), approximately .4 mile east of Carter Road in an AR-Agricultural Residential District was approved as advert ised subject to the following conditions:**

1. The 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 developer shall contribute Seven Hundred and Fifty Dollars (\$750.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
3. 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.
4. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
5. The maximum amount of floor area/lot coverage on this site shall be reduced to no more than 10%.
6. This approval shall not constitute any basis or justification for any future commercial rezoning request for this property.
7. If required by the County Engineer, the developer shall construct a right turn lane west approach and a left turn lane east approach at this project's entrance on Atlantic Avenue prior to the issuance of a Certification of Occupancy.
8. Developer shall remove all existing billboards on the property within ninety (90) days of this approval,

Commissioner Spillias, 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	-- AYE4
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 10th day of Jan., 1984, confirming action of 29th September 1983.

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

*John Koehler*