

RESOLUTION NO. R-84-177

RESOLUTION APPROVING ZONING PETITION 83-144, 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. 83-144 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th October 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 Exception are consistent with the requirements of the Comprehensive Plan.
2. The proposed development could be accommodated to the subject property while meeting all property development regulations.
3. The proposed development should not have any significant adverse impacts upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day October 1983, that Petition No. 83-144 the petition of ORTHOPEDIC ASSOCIATION, A FLORIDA GENERAL PARTNERSHIP By Kieran J. Kilday, 'Agent, for a SPECIAL EXCEPTION TO ALLOW A FINANCIAL INSTITUTION on the South 90.02 feet of Tract B, and the North 72.50 feet of Tract C, Block 65, of the Palm Beach Farms Company Plat NO. 7 of Section 30, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 72, all lying South of the South right of way line of 6th Avenue South and West of the West right of way line of Congress Avenue (S.R.807). Said property located on the southwest corner of the

intersection Of 6th Avenue South and Congress Avenue (S.R.807) 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 6th Avenue South, 54 feet from centerline approximately an additional one foot **within ninety** ((90) days of **approval; conveyance** must be accepted by Palm Beach County Prior to issuance of the first building permit.
3. The property **owner** shall reserve for Palm Beach **County**:
 - a) 76 feet from centerline (an additional 22 feet) for 6th **Avenue** South.
 - b) 64 feet from centerline (an additional 4 feet) for Congress Avenue.

This right-of-way reservation is necessary for the "Special intersection" per Palm Beach County Thoroughfare Right-of-Way Protection Map.

4. This development shall not be permitted a median opening on 6th Avenue South.
5. The developer shall contribute Fourteen Thousand Nine Hundred and Sixty Three Dollars (\$14, 963.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the rate of **\$4,626.00** per 1,000 square feet of bank space and **\$1,225.00** per 1,000 square feet of office space.
6. 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.
7. The developer shall take necessary measures during the development of this property to prevent pollutant run off to neighboring and nearby surface waters,
8. Prior to certification, the site plan shall be amended to reflect the following:
 - a) corrected setbacks for roof **overhangs** and a reduction of the drive-up **canopy to provide** minimum 15 foot wide unobstructed **by-pass lane**.
 - b) **canopy** trees planted at twenty feet on center along the south property line,
 - c) reconfiguration of the required **landscape area** in front of the drive-up to fall outside the ultimate right-of-way,

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:

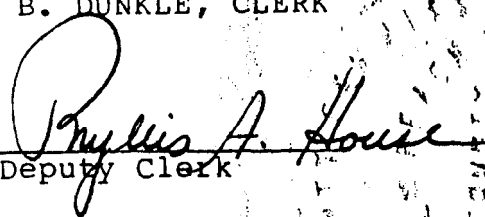
Peggy E. Evatt, Chairman	--	AYE
Ken Spillias, Vice Chairman	--	ABSENT
Dennis P. Koehler, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **day of JAN 3 11984** , confirming action of 27th October 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