

RESOLUTION NO. R-85-965

RESOLUTION APPROVING ZONING PETITION 85-48, Rezoning

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. 85-48 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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 petitioner agreed to the following proposals shall be amended to reflect the following:

- (a) a minimum rear yard setback of twenty (20) feet
- (b) provision for the required six (6) foot wall along the east property line
- (c) accommodation for a 10' X 20' parking stall
- (d) the required 5' landscape strip along the west property line or obtain Board of Adjustment variance relief for the substandard code requirements; and

WHEREAS, the petitioner agreed that the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division; and

WHEREAS, the petitioner agreed that the property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline, approximately an additional 10 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; and

WHEREAS, the petitioner agreed that 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; and

WHEREAS, the petitioner agreed that reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters; and

WHEREAS, the petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With amendments to the site plan, or **variane** relief, this proposal will be consistent with 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 25th of April 1985, that Petition No. 85-48 the petition of LLOYD H. HASNER AND KEITH D. GREENSIDE **By** Richard Reikenis, Agent for the REZONING, FROM RS-RESIDENTIAL SINGLE FAMILY DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT on the West 144 feet of Lot 1, Block 5, Bermuda Park Addition No. 1, in Section 17, Township 44 South, Range 43 East, as recorded in Plat Book 21, Page 50, Less however the West 17 feet thereof for Congress Avenue right-of-way. Said property located on the southeast corner of the intersection of Congress Avenue (S.R. 807) and Lark Road was approved as advertised subject to voluntary commitments.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April

1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney