

RESOLUTION NO. R-79-93

RESOLUTION APPROVING ZONING PETITION

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. 78-283 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 December 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 28th day of December, 1978, that petition No. 78-283 the petition of TREE PLATEAU COMPANY, INC. by Cormac C. Conahan, Attorney, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS, AN ON-SITE WATER TREATMENT PLANT AND AN ON-SITE SEWAGE TREATMENT PLANT on the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East; together with, the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 22, excepting, however, the rights-of-way for State Road 806 and Carter Road and L.W.D.D. Lateral No, 34. Said property located on the southeast corner of the intersection of Carter Road and Delray blest Road (Atlantic Avenue, S.R. 806), was approved as amended per the petitioner's request for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO CS-SPECIALIZED COMMERCIAL DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS, A RESTAURANT/LOUNGE, AN ON-SITE WATER TREATMENT PLANT AND AN ON-SITE SEWAGE TREATMENT PLANT subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty-six (66) feet from the one-quarter (1/4) section line for the ultimate right-of-way for Delray West Road.
2. Petitioner shall convey to Palm Beach County sixty (60) feet from the one-quarter (1/4) section line for the ultimate right-of-way for Carter Road.
3. Petitioner shall align the entrance drive on Carter Road with the approved plans for Kings Point Plaza-Carter Road entrance.
4. Parking stalls shall be constructed eighteen (18) feet long with wheel stops. The additional two (2) feet is to be added to the width of the parking median for each row of stalls.
5. No median opening will be allowed on State Road #806.
6. Petitioner shall contribute Twenty-two Thousand Three Hundred Dollars (\$22,300.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid on a pro-rata basis at the time of issuance of building permit(s). However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that, regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above Twenty-Two Thousand Three Hundred Dollars (\$22,300.00) towards alleviating some of its traffic impacts.
7. Petitioner shall convey a parcel eighty (80) feet in width lying immediately south of and adjacent to the south right-of-way line of State Road #806 (Atlantic Avenue) as now laid out and in use, for Lateral Canal No. 34, as requested by the Lake Worth Drainage District. This conveyance may be by either a Quit Claim Deed or an Easement Deed, whichever the Developer prefers.

Commissioner Gregory , 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 Evatt, Chairman	-	Yes
Bill Bailey, Vice Chairman	-	Yes
Frank Foster	-	Yes
Norman Gregory	-	Yes
Dennis Koehler	-	Yes

The foregoing resolution was declared duly passed and adopted this 23<sup>d</sup> day of January , 1979, confirming action of 28 December 1978.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Ruth Case Ottoboni  
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

County Attorney

