

RESOLUTION NO. R-84-358

RESOLUTION APPROVING ZONING PETITION 83-161, 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. 83-161 was presented to the Board of County Commissioners of **Palm Beach County at its public hearing** conducted on 1st December 1983 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 proposed Special Exception **is** consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. **The** proposed use should not have any significant negative 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 1st day December 1983, that Petition No. 83-161 the petition of PAN AMERICAN BANK, NATIONAL ASSOCIATION By Henry Skokowski, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on East 1/2 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 : Less the South 660 feet thereof, and also Less the North 15.0 feet thereof. together with the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the West 200 feet thereof, and also less the North 265 feet thereof; all being in Section 25, Township 43 South, Range 42 East. Said property located on the on the south

side of Okeechobee Road (S.R. 704), approximately .4 miles east of Military Trail (S.R. 809) was approved as advertised subject to the following conditions:

1. Petitioner shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the **Permit Section**, Land Development Division.
2. Within 90 **days** of approval the property owner shall convey:
  - a) for the **ultimate** right-of-way for Okeechobee Boulevard, **78 feet** from centerline approximately an additional **10 feet**; conveyance must be accented by **Palm Beach County prior to issuance of the first building per-mit.**
  - b) for the ultimate right-of-way for Indian Road, 40 feet from centerline approximately an additional **10 feet**; conveyance must be accepted by **Palm Beach County** prior to **issuance** of the first building per-mit.
  - c) a drainage easement along the East property line to Palm Beach County as required by the County Engineer in accordance with the proposed West gate Areawide Drainage Improvements Program for purposes of providing a **pipelined** legal positive outfall to serve the adjacent properties. The petitioner shall also be responsible for all costs incurred **with the** piping of this easement. Palm Beach County shall permit the petitioner the use of this easement for required parking purposes and the required ten (10) foot **wide** landscape strip.
3. **The developer shall construct concurrent with onsite paving and drainage improvements Pursuant to a paving and drainage permit issued from the Office of the County Engineer:**
  - a) **An extension** of the existing left turn lane, East approach, on Okeechobee Boulevard, at the project's existing west entrance road, **per the County Engineer's approval.**
  - b) right turn lane, **West** approach, on Okeechobee Boulevard at the project's existing **West** entrance road.
  - c) On Indian Road, at the project's entrance road, a left turn lane, North approach and a right turn lane. South approach.
4. Under the provisions of Ordinance 81-6 **this project has been reviewed as Category "B". This project will require roadway improvements to offset the project's impact at the intersection of Okeechobee Boulevard and Military Trail.** Based upon the amount of Traffic generated by this development the contribution of

Twenty-Four Thousand Dollars (\$24,000) toward Palm Beach County's programmed improvement of this intersection will be required. This money shall be in the form of a clean irrevocable Letter of Credit within 6 months of **Special Exception** approval, or contribute Twenty-Four Thousand Dollars (\$24,000) at the time of **issuance** of a building permit, which shall first occur. Palm Beach County may terminate upon **this** Letter of Credit 3 months after **Special Exception** approval.

5. Credit for the "Fair-Share" impact fee shall be given for the road construction contribution, as outlined in Condition #4 above.
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 runoff to **neighboring** properties.
8. Prior to certification, **site plan** shall be amended to reflect the following:
  - a) The proposed drainage easement along the East property line and a ten (10) foot **wide landscape** strip along the East property line which abuts RM Zoned property and along the South property line.
  - b) Relocation of the proposed dumpster **enclosure** to the Western portion of the **site**.

Commissioner **Koehler**, 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
Ker Spi ll ias, V i c e Chairman	--	ABSENT
Dennis P. Koehler, Member-	--	AYE
Dorothy Wilken, Member-	--	NAY
Bill Eai ley, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of **March**, 1984, confirming action of 1st December-1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa Cropp*  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*John Corbett*  
County Attorney