

RESOLUTION NO. R-78- 1579

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. 78-263 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 30 November 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 30th day of November, 1978, that petition No. 78-263 the petition of ARVIDA CORPORATION, by William R. Boose, 111, Attorney, for the REZONING, FROM AG-AGRICULTURAL DISTRICT TO CG-GENERAL COMMERCIAL DISTRICT AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING COMMERCIAL, NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE, RENTAL AND REPAIR FACILITIES AND LOTS, TWO (2) AUTO SERVICE STATIONS AND A CAR WASH on a parcel of land lying in the Northeast 1/4 of Section 23, Township 47 South, Range 42 East, being more particularly described as follows: Commencing at the Northeast corner of the Northeast 1/4 of said Section 23; thence South 00°35'30" East, along the East line thereof, a distance of 75.00 feet; thence South 89°30'16" West, along a line 75.00 feet South of, and parallel with, as measured at right angles to, the North line of said Northeast 1/4, a distance of 247.50 feet to the Point of Beginning of

this description; thence continue South $89^{\circ}30'16''$ West, along a line 75.00 feet South of, and parallel with, as measured at right angles to, the North line of said Northeast $1/4$, a distance of 23.55 feet to the intersection with the arc of a circular curve to the left, whose radius point bears North $53^{\circ}10'19''$ West from the last described point, said point being further described as being on the Easterly right-of-way line of Military Trail, according to the plat thereof, as recorded in Road Plat Book 4, pages 139 thru 142 inclusive; thence Southerly and Westerly, along the arc of said curve, having a radius of 1697.02 feet an arc distance of 523.72 feet to the Point of Tangency; thence South $54^{\circ}30'37''$ West, along said right-of-way line, a distance of 1038.00 feet; thence South $35^{\circ}29'23''$ East, a distance of 440.00 feet; thence South $04^{\circ}50'46''$ East, a distance of 72.74 feet; thence South $40^{\circ}36'05''$ West, a distance of 92.20 feet; thence South $16^{\circ}41'57''$ East, a distance of 104.40 feet; thence South $48^{\circ}48'51''$ East, a distance of 106.30 feet; thence North $83^{\circ}59'28''$ East, a distance of 203.36 feet to the intersection with the arc of a circular curve to the left, whose radius point bears North $28^{\circ}13'45''$ East from the last described point; thence Easterly, Southerly, and Northerly, along the arc of said curve, having a radius of 400.00 feet, an arc distance of 584.36 feet to a point; thence North $89^{\circ}24'30''$ East, a distance of 224.64 feet to a point 247.50 feet West of the East line of said Northeast $1/4$; thence North $00^{\circ}35'30''$ West, along a line 247.50 feet West of, and parallel with, as measured at right angles to, the East line of said Northeast $1/4$, a distance of 1488.84 feet to the Point of Beginning of this description. Said property located on the east side of Military Trail (S.R. 809), approximately .2 mile south of Boca Raton West Road (S.R. 808), was approved as advertised subject to the following conditions:

1. Petitioner shall construct at Military Trail and the north access road left turn lanes on both the north and south approaches.

2. Petitioner shall construct at Military Trail and Town Center Road (Butts Road):
 - a. Left and right turn lanes, north approach,
 - b. Left turn lane, east approach.
 - c. Dual left turn lane and separate right turn lane, south approach.
 - d. Left and right turn lanes, west approach.
 - e. Pay the pro-rata share of the cost of signaling this intersection when warranted, as determined by the County Engineer.
3. Petitioner shall construct at Military Trail and the south access road a left turn lane on the north and south approaches.
4. Petitioner shall contribute Ninety-Two Thousand Three Hundred Dollars (\$92,300.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). The developer, at his option, may elect to construct in kind improvements to the arterial roadway system to include, but not to be limited to, the construction of an additional two (2) lanes on Butts Road from Military Trail westerly approximately one thousand one hundred (1,100) feet (replacement value \$130,000.00), signalize the intersection of Butts Road and Military Trail (replacement value \$14,000.00), and/or the construction of a dual left turn lane, south approach, and a right turn lane, north approach, at the intersection of Military Trail and Butts Road (replacement value \$20,000.00). 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 Ninety-Two Thousand Three Hundred Dollars (\$92,300.00) toward alleviating some of its traffic impacts.
5. Petitioner shall be allowed right turn in and right turn out driveways on Military Trail and shall construct a curbed median on Military Trail between intersections.
6. Petitioner shall convey the South 20.00 feet of the Northeast 1/4 of Section 23, Township 47 South, Range 42 East of Military Trail to the Lake Worth Drainage District with some physical Canal Improvement or Storm Sewer System to be determined by the Developer.

Commissioner Evatt , 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	-	No
Frank Foster	-	Yes
Norman Gregory	-	Yes
Dennis Koehler	-	Yes

The foregoing resolution was declared duly passed and adopted
this 19th day of December, 1978, confirming action
of 30 November 1978.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Rich Lee Cotton*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. March
County Attorney

