

RESOLUTION NO. R-80-1404

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. 80-169 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 1980; 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 proposal would not generate excessive noise or traffic
2. The proposal would be in harmony and compatible with the present and future development of the area concerned
3. The proposal would be consistent with the needs of the County for land areas for specific purposes to serve population and economic activities
4. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of September, 1980, that Petition No. 80-169 the petition of ARTHUR and BARBARA ROSACKER by Alan J. Ciklin, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED OFFICE BUSINESS PARK, INCLUDING GOVERNMENT SERVICES AND A RESTAURANT AND LOUNGE FACILITY on the West 625 feet of the North 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 46 South, Range 42 East. Said property located on the east side of Military Trail (S.R. 809), approximately .5 mile north of Atlantic Avenue (Delray West), was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way of Military Trail.
2. Petitioner shall align the project's entrance on Military Trail with the south entrance to High Point of Delray West.
3. Petitioner shall modify the construction plans for the four-laning of Military Trail as submitted by High Point of Delray to include a left turn lane on the north approach of Military Trail at the project's entrance. The petitioner shall also be responsible for all costs incurred in the construction of this left turn lane.
4. Petitioner shall construct at the project's entrance and Military Trail one lane entering and two lanes exiting.
5. Petitioner shall contribute Eighteen Thousand Two Hundred Ten Dollars (\$18,210.00) or Three Hundred Sixty-five Dollars (\$365.00)/1,000 sq. ft. toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s).
6. All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy.
7. The maximum square footage of the restaurant/lounge shall be 6,000 sq. ft.

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:

Dennis Koehler, Chairman	-	Aye
Frank Foster, Vice Chairman	-	Aye
Bill Bailey, Member		Aye
Norman R. Gregory, Member	-	Aye
Peggy B. Evatt, Member		Absent

The foregoing resolution was declared duly passed and adopted
this 14th day of October, 1980, confirming action of
25 September 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk . . .

By: *[Signature]*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoach
County Attorney

