

RESOLUTION NO. R- 80-1716

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. 80-41 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 20 November 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 be in harmony and compatible with the present and future development of the area concerned
2. The proposal would conform to the character of the district and its peculiar suitability for particular uses

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 20th day of November 1980, that Petition No. 80-41 the petition of DAVID YORRA and ALBERT YORRA, as Trustees, by Kieran Kilday, President of Kieran Kilday, Inc., Agent, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on a parcel of land more particularly described as follows: Commencing at the Southeast corner of Lot 15, Block 1, Plat No. 1, Cresthaven of Palm Beach in Section 13, Township 44 South, Range 42 East, as recorded in Plat Book 27, pages 212 and 213; thence run South $87^{\circ}45'02''$ East along the Northerly boundary of Cresthaven Boulevard, a distance of 45 feet to the Point of Beginning; thence continue South $87^{\circ}45'02''$ East, a distance of 939.93 feet; thence run Northeasterly along the arc of a 25 foot radius curve; having a central angle of $90^{\circ}09'04''$, an arc distance of 39.34 feet; thence run North $2^{\circ}05'54''$ East along the Westerly right-of-way of Military Trail (S.R. No. 809), said Westerly right-of-way being parallel to and 53 feet West of the North-South $1/4$ Section line, a distance of 992.87 feet to a point on the Southerly right-of-way line of Lake Worth Drainage District Canal L-9; thence run North $87^{\circ}56'51''$ West along said Southerly right-of-way a distance of 965 feet to the Northeast corner of aforementioned Plat No. 1, Cresthaven of Palm Beach; thence run South $2^{\circ}05'54''$ West along the East line of said Plat No. 1, a distance of 1014.62 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Cresthaven Boulevard and Military Trail (S.R. 809) in a CG-General Commercial District, 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 the one-quarter section line of Section 13, Township 44 South, Range 42 East, for the ultimate right-of-way for Military Trail.
2. Petitioner shall close the median opening on Military Trail at:
 - a. Park Road
 - b. Dale Road
3. Petitioner shall construct on Military Trail:
 - a. continuous right turn lane, north approach, at each of the project's entrances
 - b. right turn lane, north approach, at Cresthaven Blvd.
 - c. left turn lane, south approach, at the project's main entrance
 - d. an extended left turn lane, south approach, at Cresthaven Blvd.
 - e. signalization at project's main entrance, when warranted, as determined by the County Engineer.
4. Petitioner shall construct on Cresthaven Blvd:
 - a. right turn lane, east approach, at the project's entrance
 - b. left turn lane, west approach, at the project's entrance
5. Petitioner shall modify the signal at the intersection of Cresthaven Blvd. and Military Trail as approved by the County Engineer.
6. Petitioner shall contribute One Hundred Thirty-nine Thousand, Two Hundred Thirty-seven Dollars and Fifty Cents (\$139,237.50 or \$0.75/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).

Shopping Center Over 150,000 sq. ft.

7. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
8. The developer will employ measures to prevent run-off of pollutants to any adjacent or nearby surface waters during the development of the property.
9. The shopping center shall be developed by the accepted plan only. **No** changes shall be made in the location of the stores and other businesses. Only the types of stores and businesses shown on the plan should be allowed occupancy. No increase in total square footage. Standard modifications as allowed by the Site Plan Review Committee procedure will be permitted.

10. A landscaped 35 foot wide buffer strip running north-south the length of the western boundary, between the 15 foot drainage maintenance area and the 6 foot wall (which will be located east of the landscaped buffer). This buffer must be in place before any bulldozing and groundbreaking begins. This is to protect against dust, noise, and other nuisances caused by construction.
11. The landscaped buffer zone will be maintained by the property owner, and will consist of 2 alternative rows of trees about 18 feet apart. One row of trees will be Java Plums, and the other some type of 8-12 foot shade tree. All existing trees in this area will be incorporated into the buffer zone landscaping.
12. A tree survey will be taken to tag and save the maximum number of trees, as per the Urban Forester's review.
13. Lights on the western side of the center must be low-level (12 feet or less), hooded type, limited in intensity and directed as not to disturb home owners. These lights must be placed or mounted along the 6 foot wall, thereby shining toward the buildings, and away from the homes.
14. All trash must be kept in locked, enclosed dumpsters. All litter and dumpings must be clear on both sides of the wall. This will lessen the nuisance of rats and any further decrease in property value to the homeowners. Garbage Pickup shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
15. All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy and must be maintained in a healthy condition.
16. A push button pedestrian crossway and painted crosswalks with safe pedestrian crossings should be planned at all exits of the shopping center, including painted crosswalks.
17. A pedestrian sidewalk shall be installed the length of the eastern and southern boundaries of the shopping center.
18. Sidewalks on the western side of Military Trail, at all exits and at Cresthaven Blvd. must be aligned for easy pedestrian access.
19. The Lake Worth Drainage District will require the North 15.00 feet of the subject property for the right-of-way for Lateral Canal No. 9. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers. We will also require a Quit Claim Deed to the 60 foot parcel lying immediately north of and adjacent to the subject parcel, also for L-9.

Commissioner Koehler, moved for approval of the petition.
The motion was seconded by Commissioner Gregory, 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		AYE

The foregoing resolution was declared duly passed and adopted
this 16th day of December, 1980, confirming action of
20 November 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: _____
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoch
County Attorney

