

RESOLUTION NO. R-81-1623

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. 81-186 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 19 November 1981; 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this **19th** day of November, **1981**, that Petition No. 81-186 the petition of PHILIP, WILLIAM, ROY and JACK LEE by Henry Skokowski, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 510,000 SQUARE FEET OF TOTAL FLOOR AREA, AN AUTOMOBILE SERVICE STATION, RECREATION FACILITIES AND CLUB, AUTOMOTIVE SERVICE CENTERS AND A CHILD DAYCARE CENTER on a parcel of land in the Southeast 1/4 of Section 34, Township 44 South, Range 42 East, being more particularly described as follows: Commence at the South 1/4 corner of said Section

'34, said South 1/4 corner lying at the point of intersection of the centerlines of Jog Road and Lantana Road; thence North 00°00'00" East along the North-South 1/4 section line of said Section 34, said one quarter section line also being the centerline of Jog Road, a distance of 40.00 feet; thence North 89°52'17" East along a line parallel with and 40.00 feet North of, as measured at right angles to, the South line of said Section 34 a distance of 40.00 feet to a point at the intersection of the existing Easterly right-of-way line of Jog Road (an 80 foot right-of-way as now laid out and in use) and the existing Northerly right-of-way of Lantana Road (an 80 foot right-of-way as now laid out and in use), said point also being the Point of Beginning of the following described parcel; thence North 00°00'00" East along said existing Easterly right-of-way line of Jog Road a distance of 1331.61 feet to a point on the South line of "Lee's Crossing Plat No. 1", as recorded in Plat Book 41, pages 3 through 5; thence North 89°52'17" East along said South line of "Lee's Crossing Plat No. No. 1" a distance of 1327.44 feet; thence South 00°00'00" West a distance of 1331.61 feet to a point on the above-mentioned existing Northerly right-of-way line of Lantana Road, said point being 40.00 feet Northerly of, as measured at right angles to, the South line of Section 34, said South line also being the centerline of said Lantana Road; thence South 89°52'17" West along said Northerly right-of-way line a distance of 1327.44 feet to the Point of Beginning. Said property located at the northeast corner of the intersection of Jog Road and Lantana West Road, was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval:
 - a. 54 feet from centerline for the ultimate right-of-way for **Lantana** Road.
 - b. 80 feet from centerline for the ultimate right-of-way for Jog Road.

2. Prior to the issuance of any certificate of occupancy for phases I and II:
 - a. construct Lantana Road as a four lane median divided section (including sidewalks or a pedestrian/bicycle path) from the project's east property line to 300' west of Jog Road with the appropriate tapers as approved by the County Engineer.
 - b. Construct at the intersection of Lantana Road and Jog Road:
 - a. left turn lane, east approach
 - b. left turn lane, west approach
 - c. left turn lane, south approach
 - d. left turn lane, north approach
 - c. Construct at the project's east and middle turnouts and Lantana Road a **left turn** lane, west approach
3. Prior to the issuance of a building permit for phase III (anything over 110,000 sq. ft.) obtain the necessary right of way at the southeast and southwest corners of the intersection of Lantana Road and Jog Road per the alignment provided by the County Engineer.
4. Concurrent with or prior to the issuance of a building permit for phase III (anything over 110,000 sq. ft.) provide the County Engineer with the construction plans and **surety** for Jog Road as a four lane median divided section (including sidewalks or a **pedestrian/bicycle path**) from the project's north property line to 300' south of Lantana Road with the appropriate tapers as approved by the County Engineer.
5. Prior to the issuance of a certificate of occupancy for phase III (anything over 110,000 sq. ft.) construct:
 - a. Jog Road as a four lane median divided section (including sidewalks or a **pedestrian/bicycle path**) from the project's north property line to 300' south of Lantana Road with the appropriate tapers as approved by the County Engineer.
 - b. at the intersection of Jog Road and the project's north and middle entrances:
 - a. left turn lane, north approach
 - b. right turn lane, south approach
6. Install signalization, when warranted as determined by the County Engineer, at the project's east turnout and Lantana Road, but in no event shall it be later than five (5) years from the issuance of the last certificate of occupancy.
7. Should "others" do any or all of the construction listed above in conditions 3 & 4, then, this petitioner shall contribute a proportionate share of the impact fee for all buildings above the first 110,000 sq. ft. Should the construction of Jog Road, done by this developer, be less than the impact fee for all buildings above the first 110,000 sq. ft., this petitioner shall pay the **difference** as an impact fee.
8. Petitioner shall not be permitted to construct the south turnout onto Jog Road until such time as Jog Road is four laned to this project's north property line.

9. Petitioner shall contribute One Hundred Eighty-one Thousand, Five Hundred and Twelve Dollars (\$181,512.00) toward the cost of meeting this project's direct and identifiable traffic impact at the time of issuance of the building permit(s). Credit against the impact fee shall be applied toward the construction of Lantana Road as a four-lane section, as stated in Condition No. 2A, per the County Engineer's approval. Additionally the pro-rata share for the remainder of the impact fee for the construction on Jog Road, not including turn lanes, which may be done by other than this petitioner shall be calculated on the basis of the proportion of the amount divided by the square footage remaining. In the event the intersection of Jog Road and Lantana Road is constructed prior to Phases 3, 4 and 5, then this petitioner shall pay the pro-rata share based on \$550./1,000 sq. ft. up to the overall total of \$181,512.00, which overall total would include the certified cost estimate for the petitioner's construction on Lantana Road as required in Condition No. 2A above.
10. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
11. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
12. Petitioner shall preserve significant vegetation along the eastern property line.
13. Proposed loading zones shall be screened with wing walls and mechanical equipment shall be roof-mounted and screened with solid barriers.
14. Development shall be limited to Phase I as shown on the approved site plan until additional commitments for utility capacity are submitted to the Health Department.

Commissioner Koehler, moved for approval of the petition.

The motion was seconded by Commissioner Bailey, and upon being put to a vote, the vote was as follows:

Frank Foster, Chairman	- Yes
Norman Gregory, Vice-Chairman	- No
Bill Bailey, Member	- Yes
Dennis Koehler, Member	- Yes
Peggy B. Evatt, Member	- Yes

The foregoing resolution was declared duly passed and adopted
this 22nd day of December, 1981 , confirming action of
19 November 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Robert H. M... ..
County Attorney

