

RESOLUTION NO. R-85-274

RESOLUTION APPROVING ZONING PETITION 81-109(B), 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. 81-109(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November 1984; 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 project meets the property development regulations and design requirements of the Zoning Code and is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of November 1984, that Petition No. 81-109(B) the petition of COMMERCIAL CENTER DEVELOPMENT CORPORATION AND ATLANTIC SQUARE, INC. By Lee Starkey, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-109(A) on the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East, less the North 515 feet thereof; together with the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, less the West 60.00 feet thereof, together with the East 1/2 of the Northwest 1/4 of Northwest 1/4 of the Northeast 1/4 of Section

22, Township 46 South, Range 42 East and the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East, less the Northerly 66.00 feet thereof for S.R.806 as recorded in Road Plat Book 3, Page 24-30. Said property located on the south side of Delray West Road (S.R.806) approximately .1 mile east of Carter - Jog Road was approved as advertised subject to the following conditions:

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.
4. The property owner shall convey for the ultimate right of way of:
  - a) Jog/Carter Road, 60 feet from centerline.
  - b) Delray West Road, 60 feet from centerline.

All within 90 days of adoption of the resolution by the Board of County Commissioners, and all conveyances must be accepted by Palm Beach County prior to issuance of first building permit.

5. Developer shall provide access from this proposed shopping center thru the adjacent bank's southern drive onto Jog Road.
6. Developer shall be permitted only 2 entrances onto Jog/Carter Road a distance of 870 feet and 1,060 feet from Delray West Road.
7. Developer shall be permitted only 2 entrances onto Delray West Road a distance of 460 feet and 1,040 feet east of Jog/Carter Road.
8. The Developer shall design and construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:
  - a) Jog/Carter Road as a 4-laned median divided section from Delray West Road south to the south property line of the adjacent shopping center (approved as Petition 84-19), plus the appropriate transitions.
  - b) Left turn lane, east approach and a right turn lane, west approach on Delray West Road at the projects west entrance road.
9. Developer shall contribute One Hundred Twenty Four Thousand Seven Hundred and Eighty Eight Dollars (\$124,788.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit.
10. This developer shall receive credit of the impact fee for the construction of Delray West Road as a 4-lane median divided section as outlined in Condition #8a above. This credit shall be based upon a certified cost estimate by the Developers Engineer, subject to the County Engineer's approval.
11. A minimum 25-foot setback will be maintained from the property

line on each of the outparcel ■

12. Landscaping in front of the shopping center will include berming, which shall be at least 4-6 feet in height, as well as trees, shrubs, and other plantings.

13. There shall be no median cut across from the easterly Atlantic Avenue entrance to the center, and the only median cut shall be at the first entrance adjacent to the Carteret Bank building. In addition, the median shall be formed to discourage left- turns from going West to East ■

14. The developer will have security lights for illumination within the shopping center.

15. The developer will landscape the Atlantic Avenue median strip, which shall include a six inch nonmountable curb and be subject to Department of Transportation approval.

16. The developer will cooperate and assist the Association in all procedures necessary to help them obtain a traffic light at El Clair Ranch Road which is the entrance to Coco Wood Lakes.

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:

|                                |    |     |
|--------------------------------|----|-----|
| Ken Spillias, Chairman         | -- | AYE |
| Dorothy Wilkens, Vice Chairman | -- | AYE |
| Peggy Evatt, Member            | -- | AYE |
| Dennis P. Koehler, Member      | -- | AYE |
| Bill Bailey, Member            | -- | AYE |

The foregoing resolution was declared duly passed and adopted this day of **FEB 19 1985** confirming action of the 1st of November 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weimer  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney