

RESOLUTION NO. R-77-476

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, 77-41 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 April 1977.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of April, 1977, that petition No. 77-41 the petition of CAST ALACIUA COUNTY REAL ESTATE CORPORATION, R. O. FULGHAM ENTERPRISES, AND ROBERT O. AND LEOLA FULGHAM, by Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER, INCLUDING AN AUTOMOTIVE PARTS AND INSTALLATION FACILITY on the North 180 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, less the right-of-way for State Road 809 (Military Trail), and the South 200 feet of the North 380 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 25, less the right-of-way for State Road 809 (Military Trail), and a parcel of land in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 25, being more particularly described as follows: Beginning at the Northeast corner of the Southwest 1/4 of the Northwest

1/4 of the Southeast 1/4 of said Section 25; thence Westerly along the North line of the South-west 1/4 of the Northwest 1/4 of the Southeast 1/4 a distance of 369.8 feet, more or less, to a point in a line parallel with and 303 feet Easterly **from** the North-South Quarter Section line of said Section 25; thence Southerly along said parallel line, a distance of 125.66 feet, more or less, to the Northerly right-of-way line of Cherry Road extension, as shown on Map by Palm Beach County Engineer; said point on the North right-of-way line of Cherry Road extension being in the arc of a curve concave to the North and having a radius of 770 feet; thence Easterly along the North right-of-way line of Cherry Road Extension and the arc of said curve a distance of 35.85 feet to a tangent to said curve; thence along said tangent, a distance of 117.62 feet to the P. C. of a curve concave to the South and having a radius of 830 feet; thence continue Easterly along the Northerly right-of-way line of Cherry Road extension and the arc to said curve, a distance of 202.81 feet, to the tangent to said curve; thence Easterly along the tangent, a distance of 20.15 feet, more or less, to the East line of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 25; thence Northerly along said East line, a distance of 63.25 feet, more or less, to the Point of Beginning; and also the South 280 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 lying East of Military Trail right-of-way, less the West 130 feet of the South 150 feet in said Section 25; containing 10.38 acres, more or less. Said property located on the east side of Military Trail (S.R. 809), being bounded on the south by Cherry Road and on the north by L.W.D.D. Lateral Canal No. 2 in a CG-General Commercial District, was approved as advertised subject to the following special conditions:

1. Within ninety (90) days of the Special Exception approval the Developer shall convey to Palm Beach County the additional right-of-way required to provide sixty (60) feet **from** the center-line **for** the ultimate right-of-way for Military Trail (S.R. 809).

2. Developer shall provide a left turn lane at the **North** approach on Military Trail into the Shopping Center entrance.
3. Developer shall modify the existing left turn lane on Military Trail at Cherry Road to provide adequate storage length,
4. Developer shall construct a continuous dual left turn lane on Cherry Road from Military Trail to the development's east entrance.
5. Developer shall provide a four (4) lane entrance road at Military Trail.
6. Developer shall align Cherry Road entrance with the approved entrances for Pebb Enterprises Shopping Center on the south side of Cherry Road.
7. Developer shall redesign the site plan to accommodate the Cherry Road entrance relocation.
8. Developer shall provide necessary intersection improvements including signing for dual left turn at the east approach on Cherry Road at the intersection with Military Trail when warranted, as determined by the County Engineer.
9. Cost for improvements in conditions numbers 3 E 4 shall be proportioned between this developer and the developer of Pebb Enterprises shopping Center based on traffic volumes. Developer shall pay the entire cost if Pebb Enterprises fails to proceed with their Shopping Center.
10. Prior to the commencement of any work, including site preparation, the developer shall construct a **six** (6) foot wall along the east property line.

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:

Lake Lytal, Chairman	-	Yes
Peggy Evatt, V. Chairman	-	Yes
William Medlen		Yes
Dennis Koehler	-	Yes
Bill Railey	-	Yes

The foregoing resolution was declared duly passed and adopted this 17th day of May, 1977, confirming action of 28 April 1977.

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

[Signature]
County Attorney

