

RESOLUTION NO. R-78- 1132

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. 78-190 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 August 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 24th day of August, 1978, that petition No. 78-190 the petition of HOMART-BOYNTON ASSOCIATES, INC. by Dick A. Greco, Jr., Vice President, for Boynton Beach, Inc., Agent, for a SPECIAL EXCEPTION TO ALLOW A REGIONAL SHOPPING CENTER INCLUDING AN AUTOMOTIVE SERVICE CENTER, WASTE WATER TREATMENT FACILITY AND FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS on a parcel of land in Section 19, Township 45 South, Range 43 East, being more particularly described as follows: Beginning at the Southwest corner of Tract 38, as shown on the plat of Section 19, Township 45 South, Range 43 East, recorded in Plat Book 7, page 19; thence run North 0°51'51" West (assumed) along the West line of and its Northerly extension of said Tract 38, a distance of 1332.27 feet; thence run South 87°58'21" West, a distance of 20.0 feet; thence run North 0°51'51" West, a distance of 1191.31 feet; thence run North 88°05'26" East, a distance of 1800.0 feet; thence run South 0°59'39" East, a distance of 472.86 feet; thence run North 88°05'26" East, a distance

of 750.84 feet; thence run South 0°59'39" East, a distance of 90.01 feet; thence run South 88°05'26" West, a distance of 856.73 feet; thence run South 43°32'54" West, a distance of 57.02 feet; thence run South 0°59'39" East, a distance of 529.99 feet; thence run South 46°27'06" East, a distance of 56.11 feet; thence run North 88°05'26" East, a distance of 856.73 feet; thence run South 0°59'39" East, a distance of 90.01 feet; thence run South 88°05'26" West, a distance of 856.73 feet; thence run South 43°32'54" West, a distance of 57.02 feet; thence run South 0°59'39" East, a distance of 529.99 feet; thence run South 46°27'06" East, a distance of 56.11 feet; thence run North 88°05'26" East, a distance of 856.73 feet; thence run South 0°59'39" East, a distance of 90.01 feet; thence run South 88°05'26" West, a distance of 856.73 feet; thence run South 43°32'54" West, a distance of 57.02 feet; thence run South 0°59'39" East, a distance of 231.62 feet; thence run South 14°46'19" East, a distance of 207.00 feet; thence run South 0°59'39" East, a distance of 150.00 feet; thence run North 89°46'34" West, a distance of 1689.30 feet to the Point of Beginning. Said property located on the west side of Congress Avenue (S.R. 807) and on the north side of Old Boynton Road in a CG-General Commercial District, was approved as amended per the petitioner's request to DELETE THE WASTE WATER TREATMENT FACILITY AND THE FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS subject to the following conditions:

1. Petitioner shall construct Congress Avenue as a four-lane roadway with median from Access Road "E" through the intersection with New Boynton Road (S.R. 804).
2. Petitioner shall construct at the intersection of New Foynton Road (S.R. 804) and Congress Avenue:
 - a. Dual left turns north and south approach.
 - b. Right turn lane east approach.
3. Petitioner shall construct at the intersection of Old Boynton Road and Military Trail:
 - a. Left turn lane north approach.
 - b. Left turn lane east approach.
 - c. Right turn lane south approach.
4. Petitioner shall construct at the intersection of New Boynton Road and Military Trail:
 - a. Right turn lane south approach.

5. Petitioner shall construct New Boynton Road as a four-lane roadway with median from Congress Avenue to Access Road "B".
6. Petitioner shall construct at the intersection of New Boynton Road and Mall Access Road "B":
 - a. Dual left turn lanes and right turn lane north approach.
 - b. Left turn lane west approach.
 - c. Right turn lane east approach.
7. Petitioner shall construct at the intersection of Old Boynton Road and Access Road "B":
 - a. Left turn lanes north and south approach.
 - b. Left turn lane west approach.
 - c. Right turn lane east approach,
8. Petitioner shall construct at the intersection of Old Boynton Road and Access Road "A":
 - a. Left turn lane west approach.
 - b. Two-lane approach north approach.
 - c. Right turn lane east approach,
9. Petitioner shall construct at the intersection of Old Boynton Road and Congress Avenue:
 - a. Right turn lane east approach,
 - b. Left turn lane all approaches.
10. Petitioner shall construct at the intersection of Congress Avenue and Access Roads "E", "D", and "C":
 - a. Left turn lane south approach.
 - b. Right turn lane north approach,
 - c. Right and left turn lanes west approach,
11. Petitioner shall construct at the intersection of Old Boynton Road and New Boynton Road:
 - a. Right turn lane east approach.
 - b. Left turn lane north approach.
12. Petitioner shall install signalization at the following intersections with the initial phase of construction:
 - a. Congress Avenue and Access Road "D".
 - b. New Boynton Road and Access Road "B".
 - c. Old Boynton Road and Access Road "B".
 - d. Old Boynton Road and Congress Avenue.
 - e. Upgrade existing signal at New Boynton Road and Congress Avenue.
13. Petitioner shall install signalization when warranted, as determined by the County Engineer, at the following intersections:
 - a. Congress Avenue and Access Road "C".
 - b. Congress Avenue and Access Road "E".
 - c. Old Boynton Road and Access Road "A".
14. Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County:
 - a. Sixty (60) feet from the centerline for the ultimate right-of-way for Congress Avenue.
 - b. Forty (40) feet from the centerline for the ultimate right-of-way for Old Boynton Road.
15. Petitioner shall construct at the intersection of 1-95 at Boynton West Road:
 - a. Dual left turn lanes south approach.
16. The four (4) easterly out parcels shall be in unified development with the site of the subject Special Exception.

17. Petitioner shall provide ninety percent (90%) opaque landscape screening along the west property line, said landscaping to be planted prior to any site work.
18. Petitioner shall provide a five (5) foot limited access easement along the west property line to **limit** access to Javert Street.
19. No additional buildings than those shown on the Site Plan, Exhibit No. 12, on file in the office of the Director, Department of Planning, Zoning E Building, with particular regard to the western portion of the subject site, shall be allowed on the subject site without Public Hearing reconsideration by the Palm Beach County Planning Commission and Board of County Commission.
20. Petitioner shall dedicate twenty (20) feet for Javert Street along the entire western boundary of this development, provided said right-of-way is not needed **for drainage or** internal site requirements as per the existing Zoning Code,

Commissioner **Medlen** moved for approval of the petition.

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

Peggy Evatt, Chairman	-	Absent
Bill Bailey, Vice Chairman	-	Yes
Lake Lytal	-	Yes
William Medlen	-	Yes
Dennis Koehler	-	Absent

The foregoing resolution was declared duly passed and adopted this 12th day of September, 1978, confirming action of 24 August 1978,

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: Margaret B. Jennings
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Wm. R. C.
County Attorney

