

RESOLUTION NO. R- 79-87

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. 78-273 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 December 1978.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 28<sup>th</sup> day of December, 1978, that petition No. 78-273 the petition of FORREST C. MOBLEY, AS TRUSTEE, NEIL and DOROTHY E. SWANGER, DANIEL L. BAKST, AS TRUSTEE, PALMJIM, INC. and HARRY S. HAMILTON, AS TRUSTEE, by William R. Boose, III, Attorney for the REZONING, FROM RM-RESIDENTIAL MULTIPLE FAMILY DISTRICT (MEDIUM DENSITY) TO CG-GENERAL COMMERCIAL DISTRICT of a parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at a found Palm Beach County concrete monument marking the North one-quarter corner of said Section 25; thence, run South 00°43'36" West, along the East line of the Northwest 1/4 of said Section 25 and the centerline of Military Trail (a 106 foot road right-of-way), a distance of 1312.58 feet; thence, North 89°51'55" West, a distance of 53.00 feet to a point in the Westerly right-of-way line of said Military Trail, said point being in the Northerly right-of-way line of Elmhurst Road (a 60 foot road right-of-way); thence, continue North 89°51'55" West, along said Northerly right-of-way line, a distance of 250.01 feet to the Point of Beginning; thence, continue North 89°51'55" West, along said Northerly right-of-way line and its Westerly prolongation, a distance

ci 706.37 feet to a point in the East line or the West 1/2 of the West 1/2 of the Northeast 1/4 of Northwest 1/4 of said Section 25; thence, North 00°37'25" East, along said line, a distance of 99.48 feet to a point in the South line of the North 129.48 feet of the South 258.96 feet of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North 89°51'55" West, along said South line, a distance of 336.52 feet to a point in the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, North 00°35'21" East, along said West line, a distance of 129.48 feet to a point in the North line of the South 258.96 feet of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence, South 89°51'55" East, a distance of 336.60 feet to a point in the East line of the West 1/2 of the West 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence North 00°37'25" East, along said line, a distance of 789.86 feet to a point in a line parallel with and 250 feet Southerly of, as measured at right angles to the South right-of-way line of Okeechobee Road (a 120 foot road right-of-way); thence, North 89°52'06" East, along said line, a distance of 708.24 feet to a point in a line parallel with and 250 feet Westerly of, as measured at right angles to the said Westerly right-of-way line of Military Trail; thence, South 00°43'36" West, along said line, a distance of 1022.14 feet to the Point of Beginning, AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER, INCLUDING AN EXISTING AUTO SERVICE STATION, A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS AND AN AUTO SERVICE FACILITY on a parcel of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at a found Palm Beach County concrete monument marking the North one-quarter corner of said Section 25; thence, run South 00°43'36" West, along the East line of the Northwest 1/4 of said Section 25 and the centerline of Military Trail (a 106 foot road right-of-way), a distance of 70.01 feet; thence, South 89°52'06" West, a distance of 53.01 feet to a point in the Westerly right-of-way line of said Military Trail and the Point of Beginning; thence, South 00°43'36" West, along a line 3 feet Westerly of and parallel with the East line of the Plat of East View Estates, according to the plat thereof, as recorded

in Plat Book 18, page 18, and along said Westerly right-of-way line, a distance of 515.02 feet to a point in the North line of said Lot 5, said Plat of East View Estates; thence, South  $89^{\circ}52'06''$  West, along said North line, a distance of 166.09 feet; thence, South  $00^{\circ}43'36''$  West, parallel with the East line of said Plat of East View Estates, a distance of 150.00 feet to a point in the South line of the North  $1/2$  of Lot 6, said Plat of East View Estates; thence, North  $89^{\circ}52'06''$  East, along said South line, a distance of 166.09 feet to a point in said West right-of-way line of Military Trail; thence, South  $00^{\circ}43'36''$  West, along a line 3 feet Westerly of and parallel with the East line of said Plat of East View Estates and continuing along said West right-of-way line, a distance of 577.31 feet to a point in the Northerly right-of-way line of Elmhurst Road (a 60 foot road right-of-way); thence, North  $89^{\circ}51'55''$  West, along said Northerly right-of-way line and its Westerly prolongation, a distance of 956.38 feet to a point in the East line of the West  $1/2$  of the West  $1/2$  of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $00^{\circ}37'25''$  East, along said line, a distance of 99.48 feet to a point in the South line of the North 129.48 feet of the South 258.96 feet of the West  $1/2$  of the Southwest  $1/4$  of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $89^{\circ}51'55''$  West, along said South line, a distance of 336.52 feet to a point in the West line of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $00^{\circ}35'21''$  East, along said West line, a distance of 129.48 feet to a point in the North line of the South 258.96 feet of the West  $1/2$  of the Southwest  $1/4$  of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, South  $89^{\circ}51'55''$  East, a distance of 336.60 feet to a point in the East line of the West  $1/2$  of the West  $1/2$  of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $00^{\circ}37'25''$  East, along said line, a distance of 878.87 feet to a point in the South line of the North 200 feet of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $89^{\circ}52'06''$  East, along said South line, a distance of 132.01 feet to a point in the East line of the West 132 feet of the East  $1/2$  of the Northwest  $1/4$  of the Northeast  $1/4$  of the Northwest  $1/4$  of said Section 25; thence, North  $00^{\circ}37'25''$  East, along said line, a distance of 130.01 feet to a point in the South right-of-way line of Lake Worth Drainage District Canal L-1, according to the lands recorded in Official Record Book 1731, page 612;

thence, North 89°52'06" East, along said Southerly right-of-way line, a distance of 826.65 feet to the Point of Beginning. Said property located on the southwest corner of the intersection of Military Trail (S.R. 809) and Okeechobee Boulevard (S.R. 704), 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 forty (40) feet from existing centerline for Elmhurst Road right-of-way.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County an additional seven (7) feet of right-of-way, and further reserve a maximum of another nine (9) feet for the ultimate right-of-way for Military Trail; as approved by the County Engineer. The petitioner has agreed to waive compensation for the reserved right-of-way area and any improvements thereon.
3. Petitioner shall construct Elmhurst Road from Military Trail westerly to the west property line to County Standards.
4. Petitioner shall construct an additional travel lane for both eastbound and westbound traffic on Okeechobee Boulevard from Military Trail to west property line.
5. Petitioner shall extend right turn lane, east approach, at the intersection of Okeechobee Boulevard and Military Trail easterly to the intersection with Zip Code Place.
6. Petitioner shall reconstruct and lengthen left turn lane, south approach, at the intersection of Military Trail and Elmhurst Road.
7. Petitioner shall construct left turn lane, east approach, at intersection of Okeechobee Boulevard and west driveway entrance.
8. Petitioner shall design the intersection of Okeechobee Boulevard and east entrance road to be a right in/right out entrance with no median opening being allowed at this intersection.
9. Petitioner shall design the driveway intersections along Military Trail to be right in/right out entrances with no median openings being allowed at these locations.
10. Petitioner shall modify the traffic signals at the intersection of Military Trail and Elmhurst Road to accommodate the construction of Elmhurst Road.
11. Petitioner shall contribute One Hundred Sixty-Five Thousand Seven Hundred Fifty Dollars (\$165,750.00) toward the cost of meeting this project's direct and identifiable traffic impact. This commitment shall be used for the acquisition of right-of-way and the construction of Elmhurst Road from the project's west property line westerly to Haverhill Road and the construction of a left turn lane, north approach, at the intersection of Haverhill Road and Elmhurst Road. Any portion of this commitment of \$165,750.00 not expended on the Elmhurst Road improvements shall be used toward the cost of relocating the utilities along the north side of Okeechobee Boulevard, east of Military Trail, as they relate to the fulfilling of recommended condition #5.

12. Unless prevented by factors beyond the control of the developer, the construction of Elmhurst Road, as noted in proposed condition #3 and #11, shall proceed simultaneously with the construction of the proposed shopping center and shall be completed prior to the issuance of any Certificate of Occupancy.
13. Petitioner shall provide right-of-way of seventy (70) feet for Lateral Canal No. 1 or an approved culvert system with a lesser width right-of-way. Developer may furnish the necessary right-of-way either by Easement Deed or Quit Claim Deed, as recommended by the Lake Worth Drainage District.
14. No truck traffic involved in the construction of this project shall utilize Elmhurst Road for ingress and egress.
15. Petitioner shall construct the six (6) foot high privacy wall shown on plans submitted (Exhibit #7) along the project's entire west property line prior to the issuance of any building permit(s).
16. All cabbage palms of desirable size and condition shall be relocated and used as landscape material for this project.
17. All oak trees and specimen trees located in areas where parking spaces can be eliminated shall be preserved in place. Those trees of too large a size to be moved and which are located in proposed driveways and building sites, however, may be removed upon approval of the Urban Forester.
18. Pine trees located within proposed median strips five (5) feet or wider, exclusive of required parking overhang areas, shall be preserved in place.
19. All specimen trees not preserved in place, which are of a size permitting transplanting, shall be used as landscaping material for this project, or approved by the Urban Forester.

Commissioner Foster, moved for approval of the petition.


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

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|----------------------------|---|-----|
| Peggy Evatt, Chairman      | - | Yes |
| Bill Bailey, Vice Chairman | - | Yes |
| Frank Foster               | - | Yes |
| Norman Gregory             | - | Yes |
| Dennis Koehler             | - | Yes |

The foregoing resolution was declared duly passed and adopted this 23rd day of January, 1979, confirming action of 28 December 1978.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN E. DUNKLE, Clerk

By:   
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

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 COUNTY ATTORNEY