

RESOLUTION NO. R-79-1101

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. 79-155 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 July 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 26th day of July, 1979, that petition No. 79-155 the petition of PETER C. SMITH, by Lee Starkey, Agent, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER, INCLUDING A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS AND A DRIVE-IN RESTAURANT on the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 46 South, Range 42 East, less the North 240.0 feet of the West 256.0 feet thereof, and less the right-of-way for State Road No. 806 (Delray West Road), as shown in Road Plat Book 3, page 26, and less the right-of-way for State Road No. 809, (Military Trail) as shown in Road Plat Book 3, page 183. Said property located on the southeast corner of the intersection of Delray West Road (S.R. 806) and Military Trail (S.R. 809) in a CG-General Commercial District, was approved as amended per the petitioner's request with the DELETION OF THE DRIVE-UP TELLER WINDOWS, subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from the centerline for the ultimate right-of-way for Military Trail.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from the centerline for the ultimate right-of-way for Delray West Road.
3. Petitioner shall:
 - a. Not be allowed a median opening on Military Trail at the northerly entrance to the project.
 - b. Construct the northerly access on Military Trail to be right turn in and right turn out only.
4. Petitioner shall construct on Military Trail at the project's southerly entrance:
 - a. Left turn lane, north approach.
 - b. Right turn lane, south approach,
5. Petitioner shall construct the project's southerly entrance on Military Trail to have one lane entering and two lanes exiting.
6. Petitioner shall construct on Delray West Road at the project's easterly entrance:
 - a. Left turn lane, east approach.
 - b. Right turn lane, west approach.
7. Petitioner shall construct the project's easterly entrance on Delray West Road to have one lane entering and two lanes exiting.
8. Petitioner shall align drives on Military Trail with drives on west side as shown on approved Petition 73-97.
9. Petitioner shall submit to Palm Beach County prior to Site Plan approval, a comprehensive Master Drainage Plan detailing any possible effects this project's stormwater runoff will have on adjacent properties , **for** approval by the County Engineer.
10. Petitioner shall contribute One Hundred Forty Thousand Three Hundred Seventy-Three Dollars and Seventy-Five Cents (\$140,373.75) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" approved by the Board of County Commissioners on June 19, 1979., OR reconstruct Military Trail as a four-lane section southerly to Jefferson Road from the point at which High Point of Delray West Road ends its proposed construction.
11. Petitioner shall submit a new site plan to the County Engineer prior to Site Plan Review Committee approval for any future proposal to install a drive-up teller unit.

Commissioner ~~Evatt~~, 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:

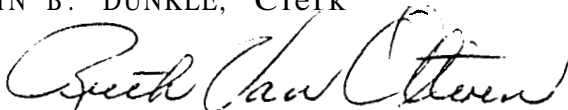
Bill Bailey, Chairman	-	Absent
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Yes
Frank Foster, Member	-	Absent
Norman Gregory, Member	-	No

The foregoing resolution was declared duly passed and adopted this 21st day of August, 1979, confirming action of 26 July 1979.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By:


Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

