

RESOLUTION NO. R-79- 1106

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, 79-88 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. 79-88 the petition of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE WORTH, by Ronald E. Young, Agent, for a SPECIAL EXCEPTION TO ALLOW A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER WINDOWS AND TO ABANDON THE SPECIAL EXCEPTION ON PETITION #76-120 on a parcel of land lying in Section 14, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 14; thence North 00°02'38" East on an assumed bearing, along the East Line of said Section 14, a distance of 78.07 feet to an intersection with the North right-of-way line of State Road No. 806 (West Atlantic Avenue) as shown in Road Plat Book 3, page 26.; thence South 89°41'34" West along said North right-of-way line of State Road 806 a distance of 731.37 feet; thence North 0°56'08" West a distance of 7.00 feet to an intersection with the apparent proposed ultimate

North right-of-way line of State Road No. 806, said intersection being the Point of Beginning; thence South $89^{\circ}41'34''$ West along said apparent proposed ultimate North right-of-way line of State Road No. 806 a distance of 271.69 feet; thence North $00^{\circ}05'05''$ East a distance of 187.99 feet; thence North $89^{\circ}41'34''$ East a distance of 268.34 feet; thence South $00^{\circ}56'08''$ East a distance of 188.00 feet to an intersection with the apparent proposed ultimate North right-of-way line of State Road No. 806 being the Point of Beginning, including the 20 foot road easement along the West boundary of the parcel and not including the apparent proposed ultimate right-of-way of said State Road No. 806 (West Atlantic Avenue). Said property located on the north side of Atlantic Avenue, approximately .1 mile west of Military Trail (S.R. 809) in a CG-General Commercial District, was approved as amended per the petitioner's request to MODIFY the original Special Exception (Petition #76-120) to allow a Planned Commercial Development, 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 of Delray West Road for the ultimate right-of-way.
2. Petitioner shall relocate existing median opening seven hundred thirty (730) feet from the centerline of Military Trail.
3. Petitioner shall provide left turn lane, west approach, at relocated median opening as approved by the County Engineer.
4. Petitioner shall contribute Seven Thousand Fifty Dollars (\$7,050.00) 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 Ordinance" No. 79-7 approved by the Board of County Commissioners on June 19, 1979.
5. Prior to Site Plan approval, the petitioner shall convey to Palm Beach County sixty (60) feet from the centerline **for** the ultimate right-of-way for Military Trail (S.R. 809).
6. Prior to Site Plan approval, the petitioner shall convey to Palm Beach County twenty-five (25) feet for a safe corner lot at the intersection of Military Trail (S.R. 809) and Delray West Road (S.R. 806).

7. Petitioner shall align development's north entrance road with the entrance road to Delray Square (75-99) and contribute to the cost of a traffic signal based on traffic volume.
8. The development's west entrance shall be the main entrance and shall be located a minimum of seven hundred (700) feet west of the centerline of Military Trail and provide the following turning lanes:
 - a. A left turn lane at the west approach.
 - b. A two lane in and a two lane out entrance driveway.
 - c. A right turn lane at the east approach.
9. Petitioner shall install a traffic control signal at the intersection of the development's main entrance and Delray West Road, when warranted, as determined by the County Engineer.
10. Petitioner shall construct at the intersection of Military Trail and Delray West Road:
 - a. An extension of the existing left turn lane at the west approach.
 - b. A right turn lane at the west approach.
 - c. A left turn lane at the south approach.
11. The developer may construct a left turn lane at the development's east entrance and Delray West Road for the west approach. This turn lane shall be closed within ninety (90) days upon request of the County or the State due to traffic volume on Delray West Road, after 1980.
12. Storm drainage shall be approved by the Central and Southern Florida Flood Control District and the County Engineer prior to issuance of building permits and shall not cause a flood hazard to adjacent lands.
13. Petitioner shall obtain drainage easement from development to Lake Worth Drainage District Canal No. L-33 to provide legal positive drainage.
14. No building permit(s) other than the banking facilities shall be issued until provisions are made for central water and sewer facilities.
15. Petitioner must comply with Conditions #1 through #4 prior to the construction of the bank. All other Conditions shall apply to the balance of the shopping center.

Commissioner Koehler , moved for approval of the petition.

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

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

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: *Keith Alan Otter*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. ...
County Attorney

