

RESOLUTION NO. R- 1644

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. 79-242 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 October 1979; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposal will conform to the character of the district and its peculiar suitability for particular uses

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day of October, 1979, that Petition No. 79-242 the petition of DADME DEVELOPMENT CORPORATION by Richard James Magner, President, for a SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East,

less the North 190.00 feet of the East 190.00 feet thereof, less the right-of-way of State Road 809 (Military Trail) as shown on Road Plat Book 3, page 183, less the right-of-way of State Road 806 (Delray West Road) as shown in Road Plat Book 3, page 24. Said property located on the south side of Atlantic Avenue (S.R. 806), being bounded on the east by Military Trail (S.R. 809) in a CG-General Commercial District, 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 sixty (60) feet **from** centerline **for** the ultimate right-of-way for Delray West Road.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet **from** centerline for the ultimate right-of-way for Military Trail.
3. Petitioner shall construct the southernmost access on Military Trail to be a right turnin and right turnout only.
4. Petitioner shall construct the main access on Military Trail to have one lane entering and two lanes exiting.
5. Petitioner shall align drives on Military Trail with drives on east side with Approved Petition 79-155.
6. Petitioner shall construct the westerly drive on Delray West Road to have one lane entering and two lanes exiting.
7. Petitioner shall construct the easterly drive on Delray West Road to be a right turnin and right turnout only.
8. Petitioner shall align drives on Delray West Road with drives on north side per Petition #76-120, the main access drive to be a distance of 639 ft. west of the centerline of Military Trail.
9. Petitioner shall construct on Military Trail at the project's northerly entrance:
  - a. Right turn lane, north approach.
  - b. Left turn lane, south approach.
10. Petitioner shall construct on Delray West Road at the project's westerly entrance:
  - a. Left turn lane, east approach.
  - b. Right turn lane, west approach.
11. Petitioner shall construct a right turn lane, west approach, on Delray West Road at the project's easterly entrance.

12. Petitioner shall contribute a pro-rata share **for** the signalization of the intersection of Delray West Road and the project's westerly intersection, when warranted, as determined by the County Engineer.
13. Petitioner shall submit a comprehensive drainage report to determine the effect that this development will have on drainage on abutting properties.
14. Petitioner shall:
  - a. Contribute One Hundred Nine Thousand Four Hundred Seventy-five Dollars (\$109,475.00) toward 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). The fee schedule for this project has been calculated in accordance with Ordinance 79-7 as follows:

Bank	\$21,225.00
Commercial	88,250.00

OR

- b. Construct Military Trail as a four-lane section southerly from Jefferson Road, from the point at which Petition No. 79-155 ends its proposed construction south 481 ft.

This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" Ordinance No. 79-7.

15. All landscaping shown on site plan submitted shall be installed prior to the issuance of a Certificate of Occupancy.
16. Petitioner must provide a by-pass lane for the bank drive-in windows.
17. Petitioner must provide 'special order' waiting spaces for the restaurant window.

Commissioner Gregory, 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	-	Yes
Dennis Koehler, Vice Chairman	-	Yes
Peggy B. Evatt, Member	-	Yes
Frank H. Foster, Member	-	Absent
Norman R. Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted  
this 27th day of November, 1979, confirming action of  
25 October 1979..

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Ottesen*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney