

RESOLUTION NO. R- 80-92

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. 79-285 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 December 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 would be in harmony and compatible with the present and future development of the area concerned
2. The proposal would conform to the character of the district and its peculiar suitability for particular uses
3. The proposal would be consistent with the needs of the County for land areas for specific purposes to serve population and economic activities

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of December, 1979, that Petition No. 79-285 the petition of ROBERT P. and SONIA I. COSTIN, PETER R. MARCELLINO, JR., and W.G. LASSITER, JR., by William R. Boose, III,

Attorney, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on all that part of the East 3/4 of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East, lying North of the apparent ultimate right-of-way line of State Road 806 (Atlantic Avenue), the centerline of which is shown in Road Plat Book 3, at page 26, and West of the apparent ultimate right-of-way line of State Road 809 (Military Trail), the centerline of which is shown in Road Plat Book 2, at page 26, and subject to the required right-of-way for Lake Worth Drainage District Lateral Canal No. 33. Said property located at the northwest corner of the intersection of Military Trail (S.R. 809) and West Atlantic Avenue (S.R. 806), 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 Military Trail.
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 Delray West Road.
3. Petitioner shall construct the main access drive on Delray West Road a distance of six hundred thirty-nine feet (639') west of the centerline of Military Trail.
4. Petitioner shall align the main access drives on Military Trail and Delray West Road with the projects on the opposite side of the road.
5. Petitioner shall construct curbing around the median on Military Trail from the point at which High Point of Delray stops to the project's northernmost property line.
6. Petitioner shall be allowed median openings only at:
 - a. the main access drive on Delray West Road.
 - b. the main access drive on Military Drive.
 - c. the northernmost access drive on Military Trail.
7. Petitioner shall construct a berm along the east side of the retention pond.
8. Petitioner shall construct a curb along the parking area adjacent to the L.W.D.D. L-33 Canal easement.

9. Petitioner shall construct:
 - a. right turn lane, north approach, on Military Trail at the northernmost access drive.
 - b. left turn lane, south approach, on Military Trail at the northernmost access drive.
 - c. right turn lane, north approach, on Military Trail at the third access drive north of the intersection.
 - d. left turn lane, south approach, on Military Trail at the main access drive.
 - e. the main access drive on Military Trail to have two lanes entering and three lanes exiting.
 - f. right turn lane, east approach, on Delray West Road at the project's main access drive.
 - g. left turn lane, west approach, on Delray West Road at the project's main access drive.
 - h. the main access drive on Delray West Road to have one lane entering and two lanes exiting.
10. Petitioner shall contribute the pro rata share for the cost of the signalization of the intersections of the main access drives and:
 - a. Military Trail
 - b. Delray West Roadwhen warranted, as determined by the County Engineer.
11. Petitioner shall contribute One Hundred Seventy-four Thousand Six Hundred Twelve Dollars (\$174,612.00) 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:

Shopping Center \$0.75/sq. ft.
(Over 150,000 sq. ft.)>

However, regardless of the present or future status of this Ordinance, this development shall be required to provide the above One Hundred Seventy-four Thousand Six Hundred Twelve Dollars toward alleviating some of its direct and identifiable traffic impact.

12. We will require the North 80.00 feet of the East 3/4 of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East for the right-of-way of Lateral Canal No. 33. The Lake Worth Drainage District will accept a Quit Claim Deed or an Easement (on their form), whichever the owner prefers.
13. All landscaping shall be installed as shown on site plan submitted prior to a Certificate of Occupancy.

Commissioner Gregory, moved for approval of the petition.
The motion was seconded by Commissioner Foster, 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	- Yes
Norman R. Gregory, Member	- Yes

The foregoing resolution was declared duly passed and adopted
this 15th day of January, 1980, confirming action of
27 December 1979.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Speth Chen Chen*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney-

