

RESOLUTION NO. R-81-57

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. 80-173 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 20 November 1980; 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 not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 20th day of November, 1980, that Petition No. 80-173 the petition of MOCHICA, INC., by Sally Benson, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East, less the rights-of-way for State Road No. 809 (Military Trail) and Hypoluxo Road which said lands are more particularly described as follows: As a point of reference start at the South 1/4 corner of said Section 1 and run Northerly along the East line of the Southwest 1/4 of said Section 1 for a distance of 104.05 feet; thence run North $88^{\circ}59'33''$ West for a distance of 57.46 feet to the intersection of the West right-of-way line of State Road No. 809 (Military Trail) with the North right-of-way line of Hypoluxo Road, said points being also the Southeast corner of the parcel of land herein described; thence run North $88^{\circ}59'33''$ West along the North right-of-way line of Hypoluxo Road for a distance of 605.36 feet to the Southwest corner of the parcel herein described; thence turning an angle of $91^{\circ}23'23''$ with the previous course measured from East to North and run 1267.72 feet to the Northwest corner of the parcel herein described; thence turning an angle of $89^{\circ}12'22''$ with the previous course, measured from South to East and run 613.65 feet to a point in the West right-of-way line of State Road No. 809, said point being the Northeast corner of the parcel herein described; thence run Southerly along the West right-of-way line of State Road No. 809 which is at an angle of $90^{\circ}45'05''$ with the previous course measured from West to South a distance of 888.09 feet to a point of curvature, to which curve the previous course is tangent; thence run Southerly along said road right-of-way line which is the arc of a curve concave to the West having a radius of 11,409.19

feet and a central angle of $1^{\circ}54'28''$ a distance of 379.90 feet to the Point of Beginning, less the South 200 feet of the West 200 feet of the above described parcel, being the same property conveyed to Francis P. Turner and Frank M. Turner by deed from Joseph Stenger and Elizabeth Stenger, his wife, dated December 3, 1969, recorded December 31, 1969 in Official Record Book 1775, page 649. Said property located at the northwest corner of the intersection of Hypoluxo Road and Military Trail (S.R. 809), 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 one hundred fourteen (114) feet from the south section line of Section 1, Township 45 South, Range 42 East for the ultimate right-of-way of Hypoluxo Road.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty-seven (67) feet from the centerline for the ultimate right-of-way of Military Trail.
3. Petitioner shall not be permitted a median opening on Hypoluxo Road when Hypoluxo Road is constructed to a four-lane median divided facility.
4. Petitioner shall only be permitted one median opening on Military Trail to be located a minimum distance of 660 feet from the centerline of Hypoluxo Road.
5. Petitioner shall construct at the project's north entrance and Military Trail:
 - a. right turn lane, north approach
 - b. left turn lane, south approach
 - c. one lane entering, two lanes exiting
6. Petitioner shall construct at the project's middle entrance and Military Trail one lane entering and two lanes exiting.
7. Petitioner shall contribute One Hundred Twenty Thousand Six Hundred Sixty-three Dollars (\$120,663.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). The \$120,663.00 impact fee may be applied toward the cost of construction of improvements as outlined in Conditions No. 8 and 9.
8. Petitioner shall construct Hypoluxo Road to a four-lane median divided section from approximately 600 feet east of Military Trail to a point approximately 660 feet west of Military Trail.
9. Petitioner shall construct Military Trail to a four-lane median divided section from Hypoluxo Road to the project's north property line.

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:

Dennis Koehler, Chairman	AYE
Frank Foster, Vice Chairman	AYE
Bill Bailey, Member	AYE
Norman R. Gregory, Member	AYE
Peggy B. Evatt, Member	AYE

The foregoing resolution was declared duly passed and adopted
this 20th day of January, 1981 , confirming action of
20 November 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoech
County Attorney

