

RESOLUTION NO. R-81-1203

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. 81-95 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 August 1981; 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day of August, 1981, that Petition No. 81-95 the petition of BRIAN G. WEST and CONGRESS JOINT VENTURE, A FLORIDA **GENERAL** PARTNERSHIP, by William R. Boose, III, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on the East 1/2 of Lot 2, of Block

4, of Section 7, Township 44 South, Range 43 East, according to the plat of Palm Beach Plantations in Section 7, Township 44 South, Range 43 East, as recorded in Plat Book 10, page 20, Excepting the North 40 feet thereof for canal Right-of-Way. (Roberts Property) And less the South 60 feet thereof for road **rights-of-way** as shown in Road Plat Book 5, page 198, Subject to that certain Order of Taking of additional lands, said Order dated September 25, 1979, case number 79-3241 **CA(L)-01G**, TOGETHER WITH; the East **1/2** of the Northeast **1/4** of the Southeast **1/4** of Section 7, Township 44 South, Range 43 East, less however the North 518 feet thereof; the East 50 feet thereof; the South 226.5 feet of the West 133 feet of the East 183 feet thereof; and also less the South 60 feet thereof for road rights-of-way as shown in Road Plat Book 5, page 198. Said property located on the west side of Congress Road (**S.R. 807**) and on the north side of Forest Hill Boulevard, was approved as advertised subject to the following conditions:

1. Petitioner shall align the east entrance onto Forest Hill Blvd. with Alice Avenue.
2. Petitioner shall align the project's west entrance onto Forest Hill Blvd. with the proposed joint turnout for the restaurant and trailer park.
3. Petitioner shall align the north entrance onto Congress Avenue with Creek Road.
4. Petitioner shall construct at the project's north entrance and Congress Avenue a left turn lane, south approach, prior to the issuance of a Certificate of Occupancy.
5. Petitioner shall relocate the existing south turnout onto Congress Avenue a minimum distance of 450 feet north of the centerline of Forest Hill Boulevard.
6. Petitioner shall contribute Two Hundred Thousand Dollars (**\$200,000.00**) within 120 days of special exception approval toward the construction program for Forest Hill Blvd. as a four lane median divided section from Congress Avenue on the east to Military Trail on the west as provided for in the 1981-1982 proposed capital outlay **program**. In the event this roadway improvement is not **part of the** 1981-1982 capital outlay program the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition to be specifically set forth *in* a road construction agreement approved by the County Attorney's office.

7. No Certificates of Occupancy shall be issued until Forest Hill Blvd. road construction is underway. Furthermore, no certificates of occupancy shall be issued until the turn lanes on Forest Hill Blvd. are constructed. Should the County construction begin at Military Trail, the developer shall construct the turn lanes at his own expense. This cost shall be above the \$200,000 road construction contribution.
8. Loading areas along the western portion of the property shall be screened from nearby residential development with wing walls.
9. Air conditioning, exhaust fans and other mechanical equipment shall be roof-mounted and screened (with solid barriers) from residences to the west.
10. A **bikeway** section shall be constructed along Forest Hill Blvd.
11. The developer will take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
12. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
13. Lake Worth Drainage District requires the North 60.00 feet of the East $\frac{1}{2}$ of Lot 2, Block 4, of Section 7, Township 44 South, Range 42 East, according to the plat of Palm Beach Plantations, as recorded in Plat Book 10, page 20. We would accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers for the remaining 20.00 feet.

Commissioner Koehler , moved for approval of the petition.

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

Frank Foster, Chairman	Aye
Norman Gregory, Vice Chairman -	Nay
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Peggy B. Evatt, Member	Aye

The foregoing resolution was declared duly passed and adopted
this 29th day of September, 1981, confirming action of
27 August 1981.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Geetha Law O'Brien*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney

