

RESOLUTION NO. R-82-413

RESOLUTION APPROVING ZONING PETITION 82-6, Special Exception

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. 82-6 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 January 1982; 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 28th day of January, 1982, that Petition No. 82-6 the petition of PHILIP A. SWINFORD by Henry Skokowski, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT on the South 1/2 of the Southeast 1/4 of the Northeast

1/4 of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 26, Township 46 South, Range 42 East, Less the East 75 feet thereof for road right-of-way. Said property located on the west side of Military Trail (S.R. 809), approximately .2 mile south of L.W.D.D. Lateral Canal #36, was approved as advertised subject to the following conditions:

1. Petitioner shall provide the County with a Clean Irrevocable Letter of Credit in the amount of Fifty Thousand and Fifty Dollars (\$50,050.00) within four (4) months of the final zoning approval granted on January 28, 1981. Said Letter of Credit shall be for a term of one year from the date of issuance and shall provide that the County shall call the Letter of Credit in the event: (a) the County requires the funds for the construction of Military Trail, or (b) the Petitioner does not deposit said sum of \$50,050.00 with the County at least ten (10) days before the expiration date of the Letter of Credit. Said letter of credit shall be approved by the County Attorney's Office before acceptance by the County. In the event the petitioner fails to provide an acceptable Letter of Credit or deposit the same amount, in lieu thereof, with the County within the four months specified, then this Special Exception approval shall be null and void.
2. The development shall be limited to 12,300 square feet of retail and 12,320 square feet of office space or the equivalent average daily trips, until Military Trail is four-laned along the project's frontage.
3. Petitioner shall align the project's entrance with the entrance for Petition #81-98.
4. Petitioner shall construct at the project's entrance road and Military Trail a left turn lane, south approach, prior to the issuance of a Certificate of Occupancy.
5. Any significant vegetation shall be incorporated into the landscape design of the parking area.
6. A 6 ft. high masonry wall shall be constructed along the south property line.

Commissioner Bailey , 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:

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

AYE
ABSENT
AYE
AYE
ABSENT

The foregoing resolution was declared duly passed and adopted
this 13th day of April, 1982, confirming action of
28 January 1982.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk,

By: *Ruth Ann Otterman*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John LaTette
County Attorney

