

RESOLUTION NO. R-82-539

RESOLUTION APPROVING ZONING PETITION 82-37, Special Exceptic

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. 82-37 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 March 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 25th day of March, 1982, that Petition No. 82-37 the petition of ARTHUR GILLMAN and J. DONALD WARGO, M.D. by William R. Boose, III, Esquire, 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 Northwest 1/4 of the Northwest 1/4 of the Northwest

1/4, Less the West 50.00 feet, and Less the North 55.44 feet thereof, in Section 25, Township 46 South, Range 42 East. Said property located on the southeast corner of the intersection of Germantown Road (S.W. 12th Street) and Military Trail (S.R. 809), was approved as advertised subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval 55 ft. east of the west section line of Section 25 for the ultimate right of way for Military Trail.
2. Petitioner shall only be permitted one median opening on **Linton** Boulevard a minimum distance of 600' east of Military Trail.
3. Petitioner shall coordinate the median opening access location and the construction of the proposed left turn lane, north approach, on Military Trail and the project's south entrance road with the project to the south to provide for only one joint median opening on Military Trail for these two projects. In the event that the project to the south fails to construct this left turn lane prior to the issuance of the first Certificate of Occupancy, then this petitioner shall have the sole responsibility for the construction of the left turn lane.
4. Petitioner shall construct prior to the issuance of a Certificate of Occupancy:
  - a. left turn lane, east approach, at the project's east entrance and **Linton** Boulevard
  - b. right turn lane, west approach, at the project's west entrance and **Linton** Boulevard
  - c. right turn lane, south approach, at the intersection of **Linton** Boulevard and Military Trail
5. Petitioner shall complete the non mountable curbing on **Linton** Boulevard and Military Trail along the project's road frontages.
6. Petitioner shall contribute One Hundred and Five Thousand Dollars (\$105,000.00) in the form of a Clean Irrevocable Letter of Credit within 120 days of the effective date of the Special Exception approval by the Board of County Commissioners toward the cost of meeting this project's direct and identifiable traffic impact. If a third party or government obligates funds for the Construction of **Linton** Boulevard as a 4 lane median divided section from STA102+71 to STA110+74 prior to the date of issuance of the first Building Permit then said Letter of Credit may be called by Palm Beach County. If at the time of the issuance of the first Building Permit no construction funds for **Linton** Boulevard from STA102+71 to STA110+74 have been obligated either by a third party or government the petitioner shall construct said portion of **Linton** Boulevard as a 4 lane median divided section including appropriate tapers per the County Engineer's approval. Upon acceptance by the County of this work, Palm Beach County shall return the \$105,000 Letter of Credit.

7. The amount of the direct and identifiable traffic impact is \$105,000. Any construction costs incurred in compliance with Condition #6 shall be credited toward meeting that fee.
8. No building permits shall be issued for work on this property until a letter of credit regarding Condition #6 is accepted by Palm Beach County.
9. Petitioner shall not be issued a Certificate of Occupancy until such time as a contract has been let for the 4 lane construction of Linton Boulevard from STA102+71 to STA110+74.
10. There shall be no retail food store permitted in this project.
11. The petitioner 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 petitioner will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
13. All air conditioning and mechanical equipment shall be roof mounted and screened.
14. Loading areas shall be screened and noted on the approved site plan at the Site Plan Review Committee level.
15. The Lake Worth Drainage District will require the North 80 feet of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 25, Township 46 South, Range 42 East for Lateral Canal No. 36. Petitioner shall convey the North 55.44 feet of right of way by Quit Claim Deed and the remaining 24.56 feet of right of way by either a Quit Claim Deed or an Easement on forms acceptable to the District.

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:

Norman Gregory, Chairman	No
Peggy Evatt, Vice Chairman	Yes
Bill Bailey, Member	Yes
Dennis Koehler, Member	Yes
Frank Foster, Member	Yes

The foregoing resolution was declared duly passed and adopted  
this 18th day of May, 1982 , confirming action of  
25 March 1982.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Otter*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John Batlett*  
County Attorney

