

RESOLUTION NO. R- 84-171

RESOLUTION APPROVING ZONING PETITION 83-137, 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. 83-137 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th October 1983; 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 proposed Special Exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY: FLORIDA, assembled in regular session this 27th day October 1983, that petition No. 83-137 the **petition** of MELEHAN DEVELOPMENT COMPANY AND PALM BEACH H & M COMPANY, By James E. Neuhaus, Inc., Agent, for a 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 AND MINI-WAREHOUSES on a parcel of land **lying** in the East 1/2 of Section 3, Township 41 South, Range 42 East, **being** more particularly described as follows:

All that portion of the Southwest 1/4 of the Northeast 1/4 of said Section 3 lying South of the existing 100 foot wide Indiantown Road (S.R. #706) right-of-way, Less Lot 1,2,3,4, Cinquez Park subdivision as recorded in Plat Book 20, Page 81, and Less that portion of the 60 foot wide Central Boulevard right-of-way lying East of the West line of the

Southeast 1/4 of said Section 3 as described in Official Records Book 2422, Page 478. Also, the North 835 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 3, less the West 758 feet thereof, also the North 259.87 feet of the West 758 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 3, Less that portion of the 60 foot wide Central Boulevard right-of-way lying East of the West line of the Southeast 1/4 of said Section 3, as described in Official Records Book 2422, at Page 470. Said property located on the southeast corner of the intersection of Indiantown Road (S. R. 706) and Central Boulevard was approved as advertised subject to the following conditions:

1. This development shall retain onsite **85% of the storm-water** runoff generated by a three (3) year- storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right-of-way of:
 - a) Indiantown Road, 80 feet from center line approximately an additional 30 feet within **ninety (90) days** of approval.
 - b) Central Boulevard, **78** feet east of the **center-line** approximately an additional **18** feet within ninety (90) days of approval.

All conveyances must be accepted by Palm Beach County prior to **the issuance** of the building permit.

3. The development shall only be permitted one turnout onto Indiantown Road, a minimum **distance** of **750 feet east** of the **centerline** of Central Boulevard.
4. The development shall only be permitted one turnout onto Central Boulevard, at the project's south property line, per the County Engineer's approval.
5. The developer shall construct at the intersection of Indiantown Road and Central Boulevard, per the County Engineer's approval:
 - a) left turn lane, south approach.
 - b) left turn lane, east approach.
 - c) **right turn lane**, west approach.
 - d) **signal** when warranted, as determined by the County Engineer.

This construction shall be completed and accepted **within ninety (90) days** of Special Exception approval or prior to the **issuance of a Certificate of Occupancy** whichever shall first occur.

6. The developer shall construct on Indiantown Road at its intersection with the project's entrance road, concurrent with a paving and drainage permit issued from the Office of the County Engineer:
 - a) left turn lane, east approach.
 - b) right turn lane, west approach.

7. The developer shall provide **the** construction plans for Central Boulevard as a four-lane median divided section from Indiantown Road south to Tony Penna Road **including** the appropriate tapers **within six** months of Special Exception approval per the County Engineer's approval, or prior to **the issuance of a Certificate of Occupancy for Building "A"** (9,000 square feet of commercial), whichever **first shall occur**.
8. The developer shall construct Central Boulevard as a four-lane **median divided** section from Indiantown Road south, to Tony Penna Road **within 12 months** of **Special Exception** approval or prior to **the issuance of a Certificate of Occupancy for Building "B"** (31,000 square feet), whichever shall first occur. This construction **shall also include** the items as outlined in Condition No. 7 above.
9. The **developer shall** construct at the time of construction of the four-laning of Central Boulevard at the project's entrance road:
 - a) **left turn lane**, north approach.
 - b) **right turn lane**, south approach.
10. The developer shall contribute One Hundred & Thirty One Thousand Three Hundred and Eighty Eight Dollars (\$131,388.00) **toward** the cost of meeting **this project's** direct and identifiable impact, to be paid at the time of the **building permit**. However, this **impact fee** shall be credited toward the construction of Central Boulevard as outlined in Condition No. 7 & 8 above? based upon a **certified cost estimate from the developer's Engineer**, per the County Engineer's approval. A Bond shall be posted to guarantee the **impact fees** for **building permits issued** prior to the letting of the contract for this road construction.
11. The developer shall **take** reasonable precautions during the development of **this property to insure that** fugitive particulates (dust particles) from this project do not become a nuisance to **neighboring properties**.
12. The **developer shall** take necessary measures during the development of **this property to prevent potential** runoff to neighboring and nearby surface waters.
13. Prior to **the issuance of the Certificate of Occupancy**, the **developer shall** install **a combination** of trees and shrubs to effect a dense vegetative buffer **along** the southmost property **line** adjoining the **vacant RH Zoned property** and shall **install a six-foot high masonry wall** along the south 633 feet of the east property **line** supplemented by one (1) canopy tree planted 30 feet on center **and shall provide standard required landscaping along the remaining perimeter** of the **site**. Parking lot islands and building pad areas shall also be **landscaped**.
14. Prior to the **issuance of the building permit** the **developer shall** obtain **positive outfall** for this development.

Commissioner Bailey , moved for approval,
of **the pet it ion**. The mot i on was seconded by Comm i ss i oner **Evatt** ,
and upon bei ng put to a vot e, the vot e was
as follows:

Peggy E. Evatt, Chairman	--	AYE
Ken Spi 11 ias, Vice Chai rman	--	ABSENT
Dermis P. Koeh ler, Member	--	ABSENT
Dorothy Wi 1 ken, Member	--	AYE
Eli 11 Bai ley , Member	--	AYE

The foregoing resol ut ion was declared **duly** passed and
adopted this day of **JAN 3 1 1984** , confirming act i on of
27th October 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney