

RESOLUTION NO. R-84-339

RESOLUTION APPROVING ZONING PETITION 81-109(A), Modification

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. 81-109(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December 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 modification will not have any effect upon the circumstances, assumptions, or other conditions of the original approval and is consequently 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 1st day December 1983, that Petition No. 81-109(A) the The petition of BROOK-HAFT COMPANY By Lee Starkey, Agent, TO DELETE THE Following Special Conditions Placed on Zoning Petition No. 81-109 APPROVED August 25, 1981:

Condition No. 3 States:

Petitioner shall only be permitted one median opening on Delray West Road 600 feet east of Jog Road.

Request: To Delete Condition No. 3

Said property located on the east side of Carter Road and on the south side of Delray West Road (S.R. 806) in a CG-General Commercial District 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 sixty-six (66) feet from the one-quarter (1/4) section line for ultimate right-of-way for Delray West Road.
2. The developer shall reconstruct the first existing median opening East of Jog/Carter Road, on Delray West Road, concurrent with onsite paving and drainage improvements, per the County Engineer's approval.
3. Prior to the issuance of a Certificate of Occupancy the developer shall:
  - a. construct at the project's east turnout and Delray Delray West Road a left turn lane, east approach.
  - b. construct at the project's north turnout and Jog Road a left turn lane, north approach.
  - c. construct at the project's south turnout and Jog Road a left turn lane, north approach.
4. Petitioner shall contribute One Hundred Seven Thousand One Hundred Seventy-five Dollars (\$107,175.00) 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).
5. 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.
6. The developer will take necessary precautions to insure there will be no pollutant runoff from this project to adjacent or nearby surface waters.
7. The Lake Worth Drainage District will require a right-of-way 80 feet in width lying South of and adjacent to the South right-of-way line of Delray West Road (S.R. 806) for Lateral Canal No. 34. Palm Beach County will accept a Quit Claim Deed or an Easement.
8. The total square footage of commercial floor area shall be limited to 922,500 square feet.

Commissioner Koehler , moved for approval of the petition. The motion was seconded by Commissioner Wilken , and upon being put to a vote, the vote was as follows:

Peggy E. Evatt, Chairman	--	AYE
Ken Sottilias, Vice-Chairman	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 13th day of March, 1984, confirming action of 1st December 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lisa C. [Signature]*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*John Collett*  
County Attorney

FILED THIS 13th DAY OF  
March 1984  
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BY *[Signature]* D. C.

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