

RESOLUTION NO. R-87-223

RESOLUTION APPROVING ZONING PETITION 76-18(A), Special Exception

WHEREFIS, 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

WHEREFIS, 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

WHEREFIS, Petition No. 76-18(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on September 25, 1986 and

WHEREFIS, 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

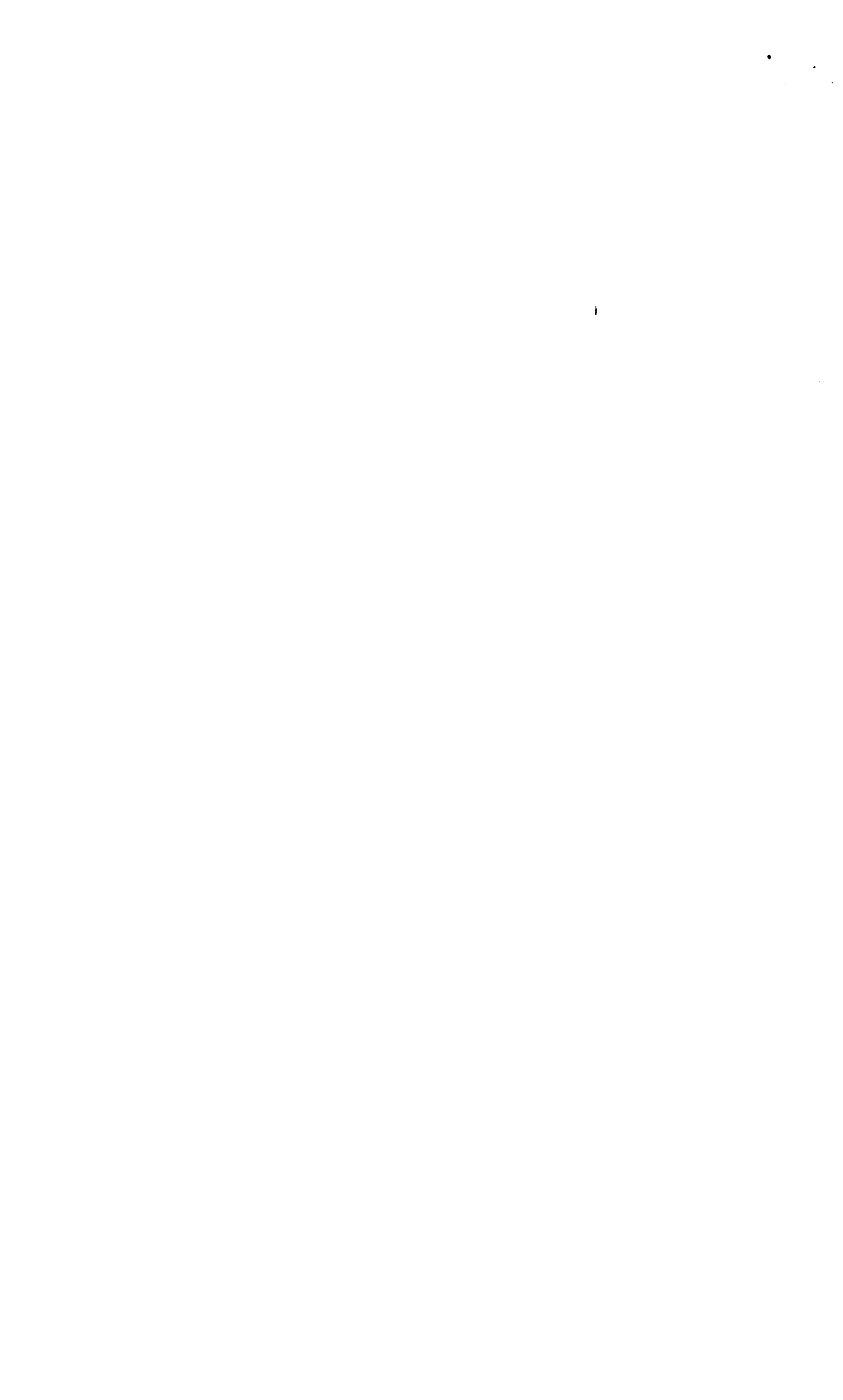
WHEREFIS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be 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 10th day of February---, 1987, that: Petition No. 76-18(B), the petition of FIFTEEN PLAZA II, PARTNERSHIP By Peter H. Dwyer, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR



A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET AND A FINANCIAL INSTITUTION WITH FIVE (5) DRIVE UP TELLER UNITS, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-18(A), TO INCLUDE A DRY CLEANING AND LAUNDRY PLANT AND RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS on a parcel of land in the Northeast 1/4 of Section 6, Township 45 South, Range 43 East, lying Northeasterly of the Easterly Right-of-way of Congress Avenue as recorded in Road Book 2, Page 135 and being more particularly described as follows: Commence at the Northeast corner of said Section 6, thence South 00 degree 16'35" East, a distance of 297.00 feet to a line parallel to and 297.00 feet South of, as measured at right angles to the North line of said Section 6, thence South 89 degrees 33'57" West along said parallel line, a distance of 33.00 feet to a line parallel to and 33.00 feet West of, as measured at right angles to the East line of said Section 6, said Point also being the Point of Beginning, thence South 00 degree 16'35" East along said parallel line, a distance of 826.59 feet to a line parallel to and 1123.59 feet South of, as measured at right angles to the North line of said Section 6, thence South 89 degrees 33'57" West along said parallel line, a distance of 603.00 feet to a line parallel to and 636.00 feet West of, as measured at right angles to the East line of said Section 6, thence South 00 degrees 16'35" East along said parallel line, a distance of 266.04 feet to the said Easterly Right-of-Way line of Congress Avenue, thence North 47 degrees 44'45" West along said Easterly Right-of-Way of Congress Avenue, a distance of 182.03 feet to the point of curvature of a circular curve concave to the Northeast, having a radius of 1060.08 feet and a central angle of 26 degrees 33'37"; thence Northwesterly along the arc of said curve and said Easterly Right-of-way of Congress Avenue, a distance of 862.27 feet, to a point of intersection with a line parallel to and 560.00 feet South of, as measured at right angles to the North line of said Section 6,



thence North 89 degrees 33'57" East along said parallel line, a distance of 762.31 feet to a line parallel to and 488.04 feet West of, as measured at right angles to the East line of said Section 6, thence North 00 degrees 16'35" West along said parallel line, a distance of 263.00 feet to said parallel line being 297.00 feet South of, as measured at right angles to the North line of said Section 6, thence North 89 degrees 33'57" East along said parallel line, a distance of 455.04 feet to said Point of Beginning. Said property located on the east side of Congress Avenue (S.R. 807), approximately .1 mile south of Lantana Road (S.R. 812) in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. required number of trees to be preserved or planted;
2. The Developer shall comply with all previously approved conditions relating to Petition 76-18(A) unless expressly modified herein.
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed movie theater is \$2,465.00. Notes This impact fee allows for credit which will be paid for the entire shopping center under Petition 76-118 (A) condition No. 12 and 13.
4. Since sewer and water service is available to the property, neither septic tank nor well shall be approved for use on the subject property.

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

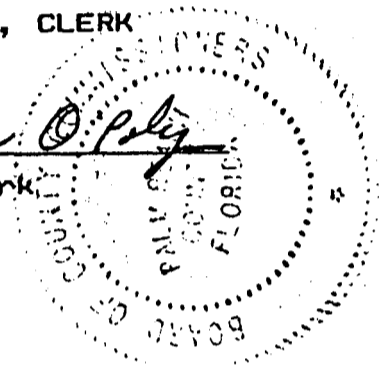
Karen T. Marcus	--	ABSENT
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February---, 1987-- confirming action of September 25, 1986.

POLM BEFICH COUNTY, FLORIDFI
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Polig*
 Deputy Clerk



FIAPPROVED AS TO FORM
 QND LEGAL SUFFICIENCY

[Signature]

 County Attorney

