

RESOLUTION NO. R- 81-1050

RESOLUTION APPROVING ZONING PETITION

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 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 23 July 1981; 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 23 day of July 1981, that Petition No. 81-109 the petition of BROOK-HAFT COMPANY by Warren H. Newell, Agent, 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 INCLUDING AN ON-SITE WATER AND SEWAGE TREATMENT PLANT on a parcel of land, more particularly described as follows: the West 1/2 of the Northwest 1/4 of the Northwest

1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East, less the North 515 feet thereof; together with the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, less the West 60.00 feet thereof, together with the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 46 South, Range 42 East. Said property located on the east side of Carter Road and on the south side of Delray West Road (S.R. 806), 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. Petitioner shall close the existing median opening east of Jog Road.
3. Petitioner shall only be permitted one median opening on Delray West Road 600' east of Jog Road.
4. Prior to the issuance of a Certificate of Occupancy:
  - a. construct at the project's east turnout and 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, and a right turn lane, south approach .
5. 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).
6. 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.
7. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
8. 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. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
9. The total square footage of commercial floor area shall be limited to 92,500.

Commissioner Gregory, 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:

Frank Foster, Chairman	- Aye
Norman Gregory, Vice Chairman	- Aye
Bill Bailey, Member	- Aye
Dennis Koehler, Member	- Aye
Peggy B. Evatt, Member	- Aye

The foregoing resolution was declared duly passed and adopted this 25 day of August 1981, confirming action of 23 July 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Ann Ottewill*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney

