

RESOLUTION NO. R-80-93-24

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. 80-89 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 May 1980; 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
2. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of May, that Petition No. 80-89 the petition of PAUL MARK DEVELOPMENT, INC., by Paul Hoffenberg, President, for the FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on the Easterly 20 acres (as

enclosed by a line parallel to Easterly line) of Lot 3, Tract 39, of the Hiatus between Township 44 South, and Township 45 South, Range 42 East, The Palm Beach Farms Co., Plat No. 13, as recorded in Plat Book 6, pages 93 and 99, less the East 60 feet thereof for Jog Road and less the North 40 feet thereof for Lantana Road. Said property located at the southwest corner of the intersection of Lantana West Road (S.R. 812) and Jog Road 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 fifty-four (54) feet from centerline for the ultimate right-of-way for Lantana Road.
2. Petitioner shall construct Jog Road from Lantana Road to this project's south property line, per the County Engineer's approved alignment before the issuance of a Certificate of Occupancy. The County shall be responsible for the acquisition of additional right-of-way needed to satisfy this condition, and the petitioner shall reimburse the County for same.
3. Petitioner shall construct at the intersection of Jog Road/Lantana Road on a pro-rata basis, prior to the issuance of a Certificate of Occupancy:
 - a. Left turn lane, north approach, on Jog Road
 - b. Right turn lane, north approach, on Jog Road
 - c. Left turn lane, south approach, on Jog Road
 - d. Left turn lane, east approach, on Lantana Road
 - e. Left turn lane, west approach, on Lantana Road
4. Petitioner shall construct:
 - a. Left turn lane, east approach, on Lantana Road at the project's west entrance
 - b. Right turn lane, west approach, on Lantana Road at the project's west entrance
 - c. Left turn lane, south approach, on Jog Road at the project's south entrance
5. Petitioner shall contribute the pro-rata share of the cost of signal modifications of the intersection of Jog Road and Lantana Road when warranted by the County Engineer.
6. The geometrics for the entrances nearest the Jog Road/Lantana Road intersection are to be approved by the Traffic Engineering Division of the County Engineer's office.

7. Petitioner shall contribute One Hundred Fifty Thousand . Three Hundred Dollars (\$150,300.00) or Seven Hundred Thirteen Dollars (\$713.00)/1,000 sq. ft. for the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of building permit(s). This fee shall be credited towards the cost of acquiring the right of way, rebuilding, and realigning Jog Road.
8. The Lake Worth Drainage District will require the South 25.00 feet of the subject parcel for the right of way for Lateral Canal No.-16. We will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers.
9. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
10. The subject property shall be limited to the curb cuts shown on the site plan submitted. Access to the restaurant shall be kept internally.

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

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

The foregoing resolution was declared duly passed and adopted this 8th day of July ; 1980, confirming action of May 29, 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Allen*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John C. Egan
County Attorney

