

RESOLUTION NO. R-80-u-01

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. 80-114 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 July 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 consistent with the needs of the County for land areas for specific purposes to serve population and economic activities
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 24th day of July, 1980, that Petition No. 80-114 the petition of THEO H. MILLER, TRUSTEE, by Paul C. Wolfe, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER, INCLUDING A FINANCIAL INSTITUTION WITH DRIVE-UP TELLER UNITS AND RECREATIONAL FACILITIES on a parcel of land lying in the Southeast 1/4 of Section 24, Township 47 South, Range 41 East, being more fully described as follows: Commence at the South 1/4 corner of said Section; thence North $89^{\circ}59'54''$ East along the Southerly boundary of said Section 2052.11 feet to the Point of Beginning of the herein described parcel; thence continue along the previous course, 464.51 feet to a point of intersection with the existing Westerly right-of-way line of State Road 7; thence North $1^{\circ}58'47''$ East, along said West line, 2323.00 feet to a point; thence North $87^{\circ}52'30''$ West, 854.73 feet to a point; thence South $01^{\circ}52'11''$ West, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet; thence run Southerly along said curve, thru an angle of $38^{\circ}00'26''$, an arc length of 556.55 feet to a point of reverse curve to the right, having a radius of 839.35 feet; thence run Southerly along said curve thru an angle of $31^{\circ}09'52''$, 456.54 feet to a point of intersection with the existing Northerly right-of-way of Palmetto Park Road; thence North $89^{\circ}59'54''$ East, 30.03 feet to a point on a curve to the right having a radius of 869.35 feet; thence from a tangent bearing South $4^{\circ}14'37''$ East, run Southerly along said curve, thru an angle of $6^{\circ}50'45''$, an arc distance of 100.05 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of U.S. 441 (Range Line Road) and Palmetto Park 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 two hundred (200) feet from the Base Line of Survey according to R.B. 1, page 35 for the ultimate right-of-way for S.R. 7.
2. Petitioner shall not be allowed an access within 660 feet from Palmetto Park Road.
3. Petitioner shall modify and ~~restripe~~ the left turn storage lane, south approach, on S. R. 7 at Palmetto Park Road to 300 feet in length and widen to 12 feet.
4. Petitioner shall construct at the S.R. 7 entrance:
 - a. Right turn lane, north approach
 - b. Left turn lane, south approach
 - c. Right turn lane, west approach
 - d. Left turn lane, west approach
5. Petitioner shall construct El Bosque Way from Palmetto Park Road to the cul-de-sac.
6. Petitioner shall construct at the intersection of Palmetto Park Road and El Bosque Way:
 - a. Right turn lane, north approach
 - b. Left turn lane, north approach
 - c. Left turn lane, west approach
7. Petitioner shall construct at the El Bosque Way entrance:
 - a, Right turn lane, south approach
 - b. Left turn lane, east approach
8. Petitioner shall four-lane S.R. 7 from S.W. Third Street north to the project's north property line prior to the issuance of a Certificate of Occupancy for either the recreation plaza or the commercial shop area.
9. Petitioner shall contribute One Hundred Twenty-nine Thousand Four Hundred Twenty-five Dollars (\$129,425.00) toward the cost of meeting this project's direct and identifiable traffic impact. The project impact fee shall be used to acquire additional required right-of-way for S.R. 7, south of Palmetto Park Road and is to be paid at the issuance of the first building permit(s).
10. 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.
11. All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy.

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:

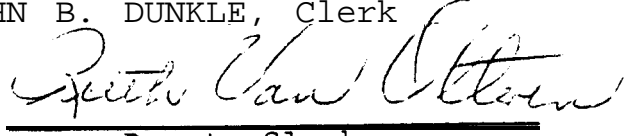
Dennis Koehler, Chairman	- No
Frank Foster, Vice Chairman	- Aye
Bill Bailey, Member	- Aye
Norman R. Gregory, Member	- Aye
Peggy B. Evatt, Member	- No

The foregoing resolution was declared duly passed and adopted
this 19th day of August, 1980, confirming action of
24 July 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By:


Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

