

RESOLUTION NO. R-80-1412

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. 80-176 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25 September 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 promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility and food supply
3. The proposal would be consistent with the needs of the County for land areas for specific purposes to serve population and economic activities
4. 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 25th day of September, 1980, that Petition No. 80-176 the petition of NATIONAL MEDICAL ENTERPRISES, INC., by Ray Liberti, Agent, for the FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER on the North 1/2 of the North 1/2 of the Northeast 1/4 of Section 26, Township 46 South, Range 42 East, less the West 1628.00 feet thereof and less also rights-of-way of Military Trail (S.R. 809) and of Germantown Road as granted to the State of Florida by Special Warranty Deed Recorded March 25, 1960 in Official Record Book 486 at page 565. Said property located on the south side of Lake Worth Drainage District Lateral Canal #36, and on the west side of Military Trail (S.R. 809), 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 (60) feet from centerline for the ultimate right-of-way of Military Trail.
2. Petitioner shall construct Military Trail to a four-lane median divided section from the south property line to Linton Boulevard, as approved by the County Engineer.
3. Petitioner shall construct Linton Boulevard to a four-lane median divided section from the project's west property line to a point 300 feet east of the centerline of Military Trail, as approved by the County Engineer.
4. Petitioner shall construct at the intersection of the project's south entrance and Military Trail:
 - a. Left turn lane, south approach
 - b. Right turn lane, north approach
 - c. One lane entering, two lanes exiting
 - d. Signalization when warranted, as determined by the County Engineer
5. Petitioner shall construct at the intersection of the project's north entrance and Military Trail a right turn lane, north approach.

6. Petitioner shall construct at the intersection of Linton Boulevard and Military Trail:
 - a. Right turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, east approach
 - d. Left turn lane, west approach
7. Petitioner shall contribute the cost of signal modifications at the intersection of Linton Boulevard and Military Trail when warranted, as determined by the County Engineer.
8. Petitioner shall construct at the project's east entrance on Linton Boulevard a right turn lane, west approach.
9. Petitioner shall construct at the main entrance to the mall on Linton Boulevard:
 - a. Left turn lane, east approach
 - b. Right turn lane, west approach
 - c. One lane entering and two lanes exiting
 - d. Signalization when warranted, as determined by the County Engineer.
10. Petitioner shall only be permitted one median opening on Linton Boulevard to be located a minimum distance of 660 feet west of the centerline of Military Trail.
11. Petitioner shall contribute One Hundred eighty-five Thousand Six Hundred Twenty-five Dollars (\$185,625.00) 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). Credit shall be applied toward the Fair Share contribution based on a certified cost estimate for the reconstruction of the portion of Military Trail to be four-laned as stated in Condition #2, not including turn lanes, per the County Engineer's approval. Additionally, full credit shall be applied toward the portion of construction on Linton Boulevard east of Military Trail not including turn lanes.
12. The Lake Worth Drainage District will require the North 90 feet of the North Half of the North Half of the Northeast Quarter of Section 26, 46/42, less the West 1628 feet thereof for the right-of-way for Lateral Canal No. 36. We will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers. If the owner succeeds in negotiating for the abandonment of L-36, then the above request will be withdrawn.
13. 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.
14. 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 Foster, 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 14th day of October, 1980, confirming action of
25 September 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

