

RESOLUTION NO. R- 81-1224

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. 81-157 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27 August 1961; 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 27th day of **August, 1981**, that Petition No, 81-157 the petition of FEDERATED DEPARTMENT STORES, INC., by Kerry B. Schwencke, Attorney, 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 AND AN AUTOMOBILE REPAIR FACILITY on the South 3/4 of Lot 4, Block 3, Palm Beach Plantations (Model Land Company), in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 10, page 20, less Right-of-Way

for Military Trail and less the South 40.00 feet for the L.W.D.D. Lateral Canal No. 8; together with a portion of Parcel "A" "Boundary Plat", as recorded in Plat Book 28, pages 227 and 228, being more particularly described as follows: Commencing at the Southeast corner of said Parcel "A"; thence South $89^{\circ}59'57''$ West - along the South line of said Parcel "A", a distance of 174.79 feet to the Point of Beginning of this description; thence continue South $89^{\circ}59'57''$ West, along the last described course, a distance of 652.04 feet; thence North, a distance of 97.08 feet; thence East, a distance of 647.45 feet; thence South $02^{\circ}42'30''$ East, a distance of 97.18 feet to the Point of Beginning. Said property located on the west side of Military Trail (S.R. 809), approximately .2 mile south of Forest Hill Boulevard, 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** for Military Trail.
2. Petitioner shall construct at the project's entrance road and Military Trail:
 - a. left turn lane, south approach
 - b. right turn lane, north approach
3. Petitioner shall construct at the project's entrance road and Forest Hill Boulevard prior to the issuance of a Certificate of Occupancy:
 - a. left turn **lane, east** approach
 - b. right turn lane, west approach
4. Petitioner shall confirm legal **access to Forest Hill** Boulevard prior to site plan approval.
5. Petitioner shall contribute One Hundred Fifty Thousand Dollars (**\$150,000.00**) within 120 days of Special Exception approval toward the construction program for Forest Hill Blvd. as a four lane median divided section from Congress Avenue on the east to Military Trail on the west as provided for in ~~the 1981-1982~~ **proposed--capital-** outlay program. In the event this roadway improvement is not part of the 1981-1982 capital outlay program the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition to be specifically set forth in a road construction agreement approved by the County Attorney's office.
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. Petitioner shall be required to construct a six (6) foot wall along the western property boundary prior to the issuance of a Certificate of Occupancy,
9. Loading areas shall be enclosed with a 10 foot wing wall to screen areas from residential property to the west.
10. Air conditioning and exhaust equipment shall be roof-mounted and screened to at least the same height as such equipment.

Commissioner Koehler, moved for approval of the petition.

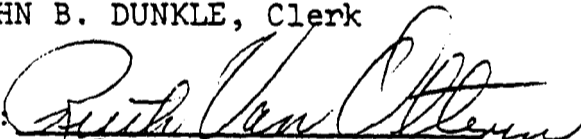
The motion was seconded by Commissioner Bailey, and upon being put to a vote, the vote was as follows:

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 29th day of September, 1981, confirming action of 27 August 1981.

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

