

RESOLUTION NO. R-81-1369

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. 81-163 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 September 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 **24th** day of September, that Petition No. 81-163 the petition of ARVIDA CORPORATION by William R. Boose, Attorney, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-263 TO INCLUDE A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA AND AN AUTOMOBILE REPAIR FACILITY on all of Arvida Auto Marine Plaza in **Section 23**, Township 47 South, Range 42 East, as recorded in Plat Book 38, pages

165 and 166. Said property located on the east side of Military Trail (S.R. 808), approximately .2 mile south of Boca Raton West Road (S.R. 808) in a CG-General Commercial District, was approved as advertised subject to the following conditions:

1. Petitioner shall construct at Military Trail and the north access road left turn lanes on both the north and south approaches.
2. Prior to the issuance of a Certificate of Occupancy:
 - A. construct at Military Trail and Town Center Road
 - a) left and right turn lanes, north approach
 - b) left turn lane, east approach
 - c) dual left turn lanes and separate right turn lane, south approach
 - d) left and right turn lanes, west approach
 - B. construct at Military Trail and the south access road a left turn lane on the north and south approaches
3. Petitioner shall contribute Two Hundred Sixty-two Thousand Dollars (\$262,000.00) within 120 days of Special Exception approval toward the construction program for Military Trail as a four lane median divided section from Glades Road north through the Yamato Road intersection as provided for in the 1981-1982 proposed County budget. In the event this roadway improvement is not part of the 1981-1982 County budget, the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition are to be specifically set forth in a road construction agreement approved by the County Attorney's Office and the County Engineer's office.
4. Petitioner shall be allowed a right turn in and right turn out driveway on Military Trail for the service station.
5. Petitioner shall reconstruct Town Center Circle per the County Engineer's approval.
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 boulevard landscaping originally shown on the perimeter road will have to be retained,
9. Petitioner shall amend the plat to remove interior **property'lines** and unnecessary easement.
10. Utility releases will be required for paving and berming in remaining easement.

11. A 6 ft. wall is required around the perimeter of the property abutting residential prior to issuance of Certificates of Occupancy.
12. The Site Plan must be amended to show square footages devoted to various uses and to show parking bay dimensions.

Commissioner Evatt, moved for approval of the petition.

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

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

The foregoing resolution was declared duly passed and adopted this 27th day of October, confirming action of 24 September 1981.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

[Signature]
 County Attorney

