

RESOLUTION NO. R- 81-1611

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. 81-195 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 October 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 29th day of October, 1981, that Petition No. 81-195 the petition of WILLIAM F. MITCHELL, TRUSTEE, 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 on the East 3/4 of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4, less the East 75

feet thereof for road right-of-way, of Section 26, Township 46 South, Range 42 East. Said property located on the west side of Military Trail (S.R. 809), approximately .1 mile south of Lake Worth Drainage District Lateral Canal No. 30, was approved as advertised subject to the following conditions:

1. Petitioner shall provide the County with a Clean Irrevocable Letter of Credit in the amount of \$125,000.00 within six (6) months after final zoning approval. Said letter of Credit shall be for a term of one (1) year from the date of issuance, shall provide that the County can call on the funds for the construction of Military Trail. In the event the County does not call on the Letter of Credit within one (1) year, the Developer shall substitute the sum of \$125,000.00 for deposit with the County. The terms of this condition to be specifically set forth in a road construction agreement approved by the County Attorney's Office.
2. Petitioner shall be limited to the development of 24,000 square feet of retail or 27,500 square feet of office space until Military Trail is four-laned along the project's frontage.
3. Petitioner shall not be permitted a median opening on Military Trail.
4. Petitioner shall construct non mountable curb along the four lane section of Military Trail fifty feet on both the north and south side of the project's entrance road prior to the issuance of a Certificate of Occupancy.
5. 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.
6. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
7. The site plan shall be revised to delineate handicap stalls and loading areas.

Commissioner Gregory, moved for approval of the petition.

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

Frank Foster, Chairman	Yes
Norman Gregory, Vice Chairman -	<b>Yes</b>
Bill Bailey, Member	Absent
Dennis Koehler, Member	Absent
Peggy B. Evatt, Member	Yes

The foregoing resolution was declared duly passed and adopted  
this 22d day of December, 1981, confirming action of  
29 October 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *South Beach*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*C. H. Reed*  
County Attorney

