

RESOLUTION NO. R- 83-119

RESOLUTION APPROVING ZONING PETITION 82-118, SPECIAL EXCEPTION

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. 82-118 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 August 1982; 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 26th day of August, 1982, that Petition No. 82-118 the petition of NORMAN HOMES INC. AND HNK ASSOCIATES INC. By Henry Skokowski, Agent, for THE FURTHER SPECIAL EXCEPTION TO ALLOW A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA INCLUDING A PLANNED COMMERCIAL DEVELOPMENT on the Northwest corner of Parcel C, as shown on the Boundary Plat of Lands in Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 28 on Page 227; Thence South  $01^{\circ}29'44''$  East a Distance of 7.01 feet: Thence South  $88^{\circ}46'16''$  East a distance of 492.19 feet to the East Line of said Lands described in Official Record Book 3485 on Page 530; Thence South  $01^{\circ}13'44''$  West Perpendicular to the previous Course and along said East Line and its Southerly Prolongation, a distance of 773.33 feet to the South Line of the Aforesaid Boundary Plat; Thence North  $88^{\circ}48'15''$  West along, said Southerly line, a distance of 495.42 feet to the East

line of the Plat of "The Villas of Palm Beach Plat No. 1, According to the Plat thereof as Recorded in Plat Book 40, Pages 198 and 199; Thence North 01°29'44" West along the East line of Said Plat, a distance of 784.50 feet to the South line of Forest Hill Boulevard; Thence South 88°46'16" East along said South Right-of-Way, a Distance of 40.09 feet; Thence South 01'29'44" East a distance of 3.00 feet to the Point of Beginning. Said property located on the South side of Forest Hill Boulevard, approximately .2 mile west of Military Trail (S.R.809), was approved as advertised subject to the following conditions:

1. The developer shall 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.
2. The developer shall take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
3. Developer shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
4. Within ninety (90) days of approval the ultimate **right-of-way** for Forest Hill Boulevard, 60 feet from centerline, shall be conveyed to Palm Beach County (approximately an additional ten feet of right-of-way).
5. Developer shall provide construction plans per the County Engineer's approval, for **Forest** Hill Boulevard within sixty (60) days of Special Exception approval from the project's west property line to a point 200 feet west of the west edge of the access pavement entrance to the Villas of Palm Beach including appropriate tapers.
6. Developer shall construct Forest Hill Boulevard as a four lane median divided section from the project's west property line to a point 200 feet west of the entrance to the Villas of Palm Beach. This construction is to take place concurrently with Palm Beach County's current Forest Hill Boulevard road widening project from Congress Ave. west to this project's west property line. The **petitioner** shall pay all costs incurred by a change order to the contract for Forest Hill Boulevard.
7. Developer shall provide construction plans for Forest Hill Boulevard as a four lane median divided section within six months of zoning approval from Haverhill Road east to the entrance to Palm Hill Villas per the County Engineer's approval.

8. ~~Only one median opening on Forest Hill Boulevard shall be permitted, with a minimum distance of 260 feet west of the east property.~~
9. The developer shall contribute the sum of One Hundred Six Thousand Seven Hundred and Seventy Five Dollars (\$106,775.00) 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 preparation and the **construction of Forest Hill Boulevard** as authorized in Conditions ~~7-8~~ above.

10. Developer shall be required to obtain an agreement to pave 24' utility easement.
11. Developer shall **reduce** restaurant square--footage, -to widen **parking** lot to the required 65 feet
12. Developer **shall** include a by-pass lane at bank teller facility.
13. Developer shall provide documentation of cross access/ parking agreement with the Richway-Palm Springs Shopping Center.
14. Dumpsters and loading areas shall be screened from the west.
15. The west side of the proposed development shall be given architectural treatment as not to present a back door appearance.
16. Mechanical and air conditioning equipment shall be situated on the roof and screened with parapets.

Commissioner Bailey, 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:

Norman Gregory, Chairman	Absent
Peggy Evatt, Vice Chairman	Aye
Bill Bailey, Member	Aye
Dennis Koehler, Member	Aye
Frank Foster, Member	Absent

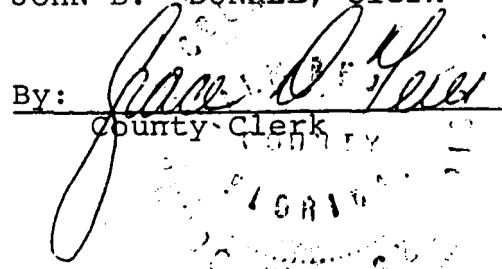
The foregoing resolution was declared duly passed and adopted  
 this 25th day of January, 1983, confirming action of  
 26 August 1982.

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

  
 County Attorney

By:   
 County Clerk