

**RESOLUTION NO. R- 84-1113**

**RESOLUTION APPROVING ZONING PETITION 84-36, 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 482.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and**

**WHEREAS, Petition No. 84-36 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29th March 1984; 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 proposed Special Exception is consistent with the requirements of the Comprehensive Plan and Zoning Code.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day March 1984, that Petition No. 84-36 the petition of R.N. PROPERTIES, INC., By Henry Skokowski, Agent, for a 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 a parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being bounded as follows:**  
**On the North by the South right-of-way line of Blue Heron Boulevard, as now laid out and in use; on the Southwest by the Northerly right-of-way line of Beeline Highway (S.R. 710) as now laid out and in use; and on the East by the Westerly right-of-way line of Military Trail (S.R. 809),**

as now laid out and in use, less a parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

Beginning at the intersection of the West right-of-way line of Military Trail (S.R. 809) with the Northeast right-of-way line of Bee Line Highway (S.R. 710); thence North 57 degrees 39' 10" West along the said right-of-way line of said Bee Line Highway a distance of 250 feet; thence North 60 degrees 04' 05" East a distance of 232.58 feet to a point in the West right-of-way line of Military Trail at a distance of 258 feet North 2 degrees 12' 40" West from the Point of Beginning; thence South 2 degrees 12' 40" East along said property West right-of-way line a distance of 250 feet to the Point of Beginning, also less the following described parcel:

a parcel of land in the Southwest 1/4 of Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

Commence at the point of intersection of the centerline of Military Trail and the centerline of Blue Heron Boulevard as shown on the survey recorded in Official Record Book 3011, Pages 1025 through 1028 inclusive, thence North 88 degrees 10' 12" West, along said centerline of Blue Heron Boulevard, a distance of 64.43 feet; thence South 01 degrees 49' 48" West, a distance of 60.00 West to a point on the Southerly right-of-way line of Blue Heron Boulevard as said Southerly right-of-way line is described in Official Record Book 3811, Pages 1825 through 1028 inclusive, said point also being the Point of Beginning of the following described parcel:

Thence South 43 degrees 00' 24" East, a distance of 5.77 feet to a point on the Westerly right-of-way line of Military Trail as said Westerly right-of-way line is described in Official Record Book 3811, Pages 1025 through 1028 inclusive, thence South 02 degrees 09' 26" West along said Westerly right-of-way line, a distance of 148.91 feet; thence South 88 degrees 10' 12" East, along said Westerly right-of-way line, a distance of 4.00 feet; thence South 42 degrees 09' 26" West, along said Westerly right-of-way line, a distance of 57.19 feet; thence North 88 degrees 18' 12" West a distance of 118.10 feet; thence North 02 degrees 09' 26" East, a distance of 210.19 feet to a point on said Southerly

**right-of-way line of Blue Heron Boulevard ; thence South 88 degrees 18' 12" East along said Southerly right-of-way line of Blue Heron Boulevard, a distance of 202.10 feet to the Point of Beginning. Said property located on the southeast corner of the intersection of Blue Heron Boulevard and Beeline Highway (S. R. 718) in an CG-General Commercial District was approved as advertised subject to the following conditions:**

**1. This development shall be permitted only one median opening onto Blue Heron Boulevard, a minimum distance of 920 feet west of Military Trail.**

**2. This development shall be permitted only one median opening onto Military Trail per the County Engineer's approval.**

**3. This development shall be permitted only two median openings onto Beeline Highway per the County Engineer's approval.**

**4. This development shall be permitted only two turnouts onto Blue Heron Boulevard per the County Engineer's approval.**

**5. This development shall be permitted only two turnouts onto Military Trail per the County Engineer's approval.**

**6. This development shall be permitted only four turnouts onto Beeline Highway per the County Engineer's approval.**

**7. The developer shall provide the construction plans for Military Trail as a 4-lane median divided section (expandable to 6-lanes) from a point 200 feet north of Blue Heron Boulevard, south to the present 4-lane terminus south of Blue Heron Boulevard including the appropriate tapers, per the County Engineer's approval. These plans shall be completed within 6 months of Special Exception approval or prior to the issuance of a Building Permit, whichever shall first occur.**

**8. The developer shall construct Military Trail as a 4-lane median divided section from a point 200 feet north of Blue Heron Boulevard south to the present 4-lane terminus south of Blue Heron Boulevard as outlined in Condition No. 7 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance of building permits for more than 50,000 square feet, whichever shall first occur.**

**9. The developer shall provide the construction plans for Blue Heron Boulevard as a 4-lane median divided section (expandable to 6-lanes) from a point 200 feet west of the project's main entrance onto Blue Heron Boulevard east to the present 4-lane terminus west of Military Trail including the appropriate tapers per the County Engineer's approval. These plans shall be completed within 6 months of Special Exception approval or prior to the issuance of a Building Permit, whichever shall first occur.**

**10. The developer shall construct Blue Heron Boulevard as a 4-lane median divided section from a point 200 feet west of the project's main entrance onto Blue Heron Boulevard, east to the present 4-lane terminus, west of Military Trail, as outlined in Condition #9 above. This construction shall be completed and accepted by Palm Beach County within 2 years of Special Exception approval or prior to the issuance**

of **building permits** for more than **50,000** square feet, **whichever shall first occur.**

**11. Design** of the road **drainage** for **Military Trail** shall accommodate the runoff from the road **adjacent** to **this** property and **shall** be **subject** to **all** government **agency** **requirements.**

**12. Credit** shall be applied toward the **impact** fee of **Two Hundred Thirty One Thousand Dollars (\$231,000.00)** based upon a **certified cost estimate** for the road construction of **Blue Heron Boulevard and Military Trail, as outlined in Conditions 7, 8, 9 & 10** above. **Should the developer seek to obtain building permits** for the **first 50,000** square feet of **building permits, the developer shall** post surety in the amount of **\$1.25** per square foot. **These monies shall** then be refunded to **developer** after **completion** of **Military Trail.**

**13. The development shall** further be **limited to 50,000** square feet of **building area until Military Trail is 4-laned** from the present **4-lane terminus** north of **Beeline Highway** north to a point **200** feet north of the entrance to **Petition No. 84-8.**

**14. The developer shall** construct concurrent with the **4-laning** of **Military Trail** and the **project's main** entrance:

- a) **Left turn lane, south approach.**
- b) **Right turn lane, north approach.**

**15. The developer shall** construct concurrent with the **4-laning** of **Blue Heron Boulevard** and the **project's main** entrance, a **left turn lane, east** approach.

**16. The developer shall** construct concurrent with the **construction** of the **project's main** entrance road onto **Beeline Highway, a left turn lane, northwest** approach.

**17. The developer shall** install **signalization** when warranted, as **determined by the County Engineer** at the **project's main** entrance roads onto:

- a) **Blue Heron Boulevard**
- b) **Military Trail**
- c) **Beeline Highway**

**18. Reasonable precautions shall be exercised during site development to insure that** unconfined particulates (dust particles) from **this** property do not become a nuisance to **neighboring properties.**

**19. Reasonable measures shall be employed during site development to insure that no pollutants** from **this** property **shall** enter **adjacent or** nearby surface waters.

**20. Prior to certification, the site plan shall be amended to reflect the following:**

a) uniform facade treatment of **the shopping center building with special emphasis on the Beeline Highway facade.**

b) a **six-foot (6') high berm/wall/landscaping section** between **Beeline Highway** and the **service side of the shopping center building.**

c) a master sign program for the development.

**21. The property owner shall** convey for the **ultimate right-of-way** of:

a) **Military Trail, 68 feet from centerline approximately an additional 4 feet within 90 days of approval.**

b) **Blue Heron Boulevard, 60 feet from centerline approximately an additional 7 feet within 90 days of approval.**

All conveyances must be accepted by **Palm Beach County prior to issuance of first building permit.**

22. The property owner **shall reserve for future dedication at no cost to Palm Beach County, per the County Engineers approval:**

a) an **additional 16 feet, (76 feet from centerline) for the ultimate right of way for Blue Heron Boulevard.**

b) an **additional 4 feet, (64 feet from centerline) for the ultimate right of way for Military Trail.**

These **reservations are necessary for the "Special Intersections" per Palm Beach County's Thoroughfare Right of Way Protection Map.**

**Commissioner Koehler, moved for approval of the petition.**

The **motion was seconded by Commissioner Wilken,**

and upon **being put to a vote, the vote was as follows:**

Ken Spi 11 i as, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	- - AYE
Dennis P. Koehler, Member	-- AYE
Bi 11 Eai ley, Member	-- ABSENT

The **foregoing resolution was declared duly passed and adopted this 14th day of Aug., 1984, confirming action of 29th March 1984.**

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
FIND LEGAL SUFFICIENCY

  
County Attorney