

RESOLUTION NO. R-84-1845

RESOLUTION APPROVING ZONING PETITION 84-58, 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. 84-58 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th July 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. With minor revision to the site plan, the proposal will comply with the property development regulations and design requirements of the Zoning Code.
2. This proposal will entail negative impacts on adjacent residential uses, and special buffering must be required.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the of 30th July 1984, that Petition No. 84-58 the petition of ROBERT NEEDLE, ALLAN J. GLUCKSTERN, EVELYN GLUCKSTERN By Kieran J. Kilday, 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 Section 14, Township 46 South, Range 42 East, being more particularly described as follows:

Commence at the Southwest Corner of Section 14, Township 46 South, Range 42 East; thence run Northerly along the West line of said

Section 14, a distance of 127.54 feet to a point on the Southerly right-of-way line of State Road No. 806, as recorded in Road Plat Book 3, Page 25; thence run Northeasterly along the said Southerly right-of-way line of State Road No. 806, being a curve concave to the .nw and having a radius of 1832.27 feet, a distance of 682.61 feet to the end of said curve; thence continue Northeasterly along the tangent of said curve, being also the said Southerly right-of-way line of State Road No. 806, a distance of 17.39 feet to the Point of Beginning; thence continue Northeasterly along the said Southerly right-of-way line of State Road No. No. 806, a distance of 397.26 feet to the beginning of a curve concave to the Southeast, said curve having a radius of 1751.73 feet; thence continue Northeasterly along the arc of said curve, being also the said Southerly right-of-way line of State Road No. No. 806, a distance of 375.27 feet to an intersection with a line 215.00 feet West of and parallel with the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 14; thence Southerly along said line a distance of 1061.52 feet to an intersection with the South line of said Section 14; thence Westerly along the South line of Section 14 a distance of 557.18 feet to an intersection with a line 566.76 feet East of, as measured at right angles, and parallel with the said West line of Section 14; thence Northerly along said parallel line a distance of 534.10 feet to the Point of Beginning, less and except, thereof corn; the following described property:

Commencing at the Southwest corner of said Section 14; thence South 89 degrees 42'03" East along the South line of said Section 14, a distance of 1,123.94 feet to a point in a line 215 Feet West of, as measured at right angles, and parallel with the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 14; thence North 0 degrees 24 ' 27" East, along said parallel line, a distance of 565.52 feet to the Point o'f Beginning; thence continue North 0 degrees 24'27" East, along said parallel line a distance of 496.0 feet to a point in the Southerly right-of-way line of State Road No. No. 806, as recorded in Road Plat Book 3, Page 25; thence run Southwesterly, along the said Southerly right-of-way line of State Road No. No. 806,

being a curve concave to the Southeast, having a radius of 1751.73 feet and a chord bearing of South 51 degrees 43'05" West, a distance of 287.00 feet to a point; thence South 27 degrees 58'32" East, a distance of 75.03 feet to a point of curvature of a curve concave to the West having a radius of 5.00 feet and a central angle of 28 degrees 22 '59"; thence Southeasterly and Southerly along the arc of said curve, a distance of 2.48 feet to a point in a line 402.58 feet West of, as measured at right angles, and parallel with the said East line of the Southwest 1/4 of the Southwest 1/4 of Section 14; thence South 0 degrees 24'27" West, along said parallel line, a distance of 248.77 feet; thence South 89 degrees 42'03" East, a distance of 187.50 feet to the Point of Beginning; aforescribed. Said property located on the south side of Atlantic Avenue (S.R.806), approximately .6 mile east of Sims Road was approved as advertised subject to the following conditions:

1. Prior to certification by Site Plan Review Committee, the site plan shall be amended to reflect:

- a) A six-foot solid masonry wall along the western property line, supplemented with canopy trees 8' to 10' in height, planted twenty (20) feet on center.-.
- b) Along the eastern property line, a six foot solid masonry wall, or a 10' landscape buffer: with 36" high hedge material of 75% opaqueness.
- c) Along the southern property line, a hedge of 36" in height of 75% opaqueness, supplemented by canopy trees 8' to 10' in height planted 20' on center, within the landscape area indicated on the plan.
- d) The developer shall install landscaping within the median of Delray West Road from the project's east property line to the project's west property line. This shall include a raised curbing along Delray West Road per the County Engineer's and Florida Department of Transportation's approval.

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

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

4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.

5. The property owner shall convey for: the ultimate right of way of Delray West Road, 60 feet from centerline, within 90 days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

6. The developer shall pay a fair share fee in the amount and manner

required by the Fair: Share Contribution for: Road Improvements Ordinance as it presently exists or as it may from time to time be amended.

Presently the fair share fee for this project is \$86,150. In addition, based upon the amount of traffic generated by this development, the developer has agreed to contribute an additional \$37,906 towards Palm Beach County's existing roadway improvement program to be paid within 12 months of adoption of the resolution by the Board of County Commissioner.-s.

If the Fair: Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increased fair share fee.

7. The developer shall construct concurrent with on site paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer :

- a) A right turn lane, west approach on Delray West Road and the project's west entrance .
- b) A right turn lane, west approach on Delray West Road and Via Flora Road
- c) Raised curb on both sides of the existing median at the project's west entrance onto Delray West Road a distance of 50 feet.

8. The developer shall install two (2) additional street lights at the entrance to the Leisureville Development. The cost of maintenance and electricity shall not be borne by Palm Beach County.

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:

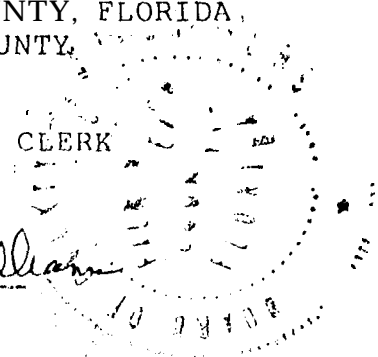
Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Eva t t , Member	-- ABSENT
Dennis P. Koehler, Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this day of DEC 11 1984 confirming action of the 30th of July 1984.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY,
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Dona McWilliam*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

David Sprague
County Attorney