

RESOLUTION NO. R- 85-270

RESOLUTION APPROVING ZONING PETITION 80-70 (A), 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. 80-70(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November 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 proposal 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 the 1st of November 1984, that Petition No. 80-70 (A) the petition of ~~JEFFERY A. DEUTSCH~~ By Kieran J. Kilday, Agent for a SPECIAL EXCEPTION to AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-70 on a portion of Parcel "C", ARVIDA BUSINESS PLAZA in Section 23, Township 47 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 34, Pages 14 and 15, being more particularly described as follows:

Beginning at the most Easterly corner of said Parcel "C", said point being further described as being on the Northwesterly Right-of-way line of Military Trail, as shown on said Plat, and being on the boundary line between said Parcel "C" and Parcel "E", as shown on said Plat; thence North 35 degrees 29'23" West, along the boundary

line between said Parcels "C" and "E", a distance of 157.50 feet; thence South 54 degrees 30'37" West, a distance of 17.50 feet; thence North 35 degree 29'23" West, a distance of 20.00 feet to a point on the Southeasterly line of a 25.00 foot ingress and egress easement, as shown on said Plat; thence South 54 degrees 30'37" West, a distance of 344.99 feet to the Point of Curvature of a circular curve to the left; thence Westerly and Southerly, along the arc of said curve, having a radius of 479.95 feet, an arc distance of 38.96 feet to the Point of Tangency; thence South 49 degrees 51'32" West, a distance of 44.55 feet to a point on the Northeasterly Right-of-way line of Town Center Road, as shown on said Plat, the last three courses being coincident with said Southeasterly line of the ingress and egress easement, said point being further described as being on the arc of a circular curve to the right, whose radius point bears South 51 degrees 16'20" West from the last described point; thence Easterly and Southerly along the arc of said curve, along said Northeasterly Right-of-way line, having a radius of 506.92 feet, an arc distance of 28.65 feet to the Point of Tangency; thence South 35 degrees 29'23" East, along said Northeasterly Right-of-way line, a distance of 118.67 feet; thence South 80 degrees 29'23" East, along said Northeasterly Right-of-way line, a distance of 35.36 feet to a point on the Northwesterly Right-of-way line of said Military Trail; thence North 54 degrees 30'27" East, along said Northwesterly Right-of-way line, a distance of 420.00 feet to the Point of Beginning of this description. Said property located on the northwest corner of the intersection of Town Center Road and Military Trail Extension (S.R.809) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. 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.
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 Developer shall comply with all previously imposed conditions of 76-172 as follows:

(A) Developer shall be required to plat the subject property.

(B) Developer shall obtain drainage easement through land in Petition No. 76-170 for legal positive outfall to Lake Worth Drainage District Canal E-3.

(C) Developer shall construct a Left Turn Lane, South approach, at the intersection of Military Trail and Boca West Road (relocated) .

(D) Developer shall construct a Left Turn Lane, South approach, at the intersection of Military Trail and the middle entrance road.

(E) Developer shall install a traffic signal at the intersection of Military Trail and Boca West Road (relocated) to accommodate traffic volume generated by the Regional Shopping Center and subject development, when warranted by traffic volume as determined by the County Engineer.

(F) Developer shall construct, with County participation, two (2) lanes of Boca West Road (relocated) of a compacted base and wearing surface between Military Trail and Boca West Road. Palm Beach County's participation shall be limited to \$10,500.00. Any additional expense shall be paid by the developer .

(G) Developer shall convey to Palm Beach County within ninety (90) days from approval of the Special Exception Site plan, ninety (90) feet of right of way for Boca West Road (relocated).

(H) The County agrees to accept the petition to abandon Boca West Road from the present intersection with Military Trail North to the point of relocation, provided that the petition for abandonment complies with all applicable laws and ordinances.

(I) Petitioner shall seek a binding letter of determination from the Division of State Planning, that Petition No. 76-170, 76-171 and 76-172 either singularly or collectively do not constitute a Development of Regional Impact (DRI). In the event this determination is not made, the Petitioner agrees to reprocess the above numbered petitions according to those procedures applicable to Developments of Regional Impact.

(The conditions stated in No. 5 above have been complied with.)

Commissioner Wilken , 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:

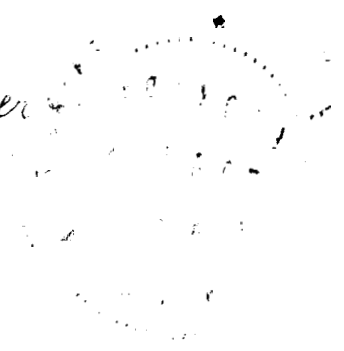
Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	ABSENT
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this day of , FEB 19, 1985 confirming action of the 1st of November 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Payne
County Attorney