

RESOLUTION NO. R-89-1644

RESOLUTION APPROVING ZONING PETITION NO. 79-242(A)
SPECIAL EXCEPTION PETITION OF DELTANA, N.V.

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 have been satisfied; and

WHEREAS, Petition No. 79-242(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on may 25, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 79-242(A) the petition of DELTANA, N.V., by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A LARGE SCALE COMMUNITY SHOPPING CENTER TO DECREASE THE LAND AREA (PETITION NO. 79-242) on a parcel of land lying on that portion of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 14, Township 46 South, Range 42 East, described as follows: Commence at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14 and run thence South 88 degrees 56' 18" West (assumed bearing) along the South boundary of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14, a distance of 70.00 feet for a point of beginning; thence continue South 88 degrees 56' 18" West, a distance of 599.21 feet to the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14; thence North 0 degrees 22' 12" West along the West boundary of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14 a distance of 665.98 feet; thence North 89 degrees 15' 11" East 60.00 feet South of and parallel with the base line of survey of State Road 806 (Delray West Road) as shown on Road Plat Book 3, Page 24 a distance of 478.87 feet; thence South 0 degrees 23' 45" East 190.00 feet West of and parallel with the East boundary of the Northeast 1/4 of the Southeast 1/4 of the

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Southeast 1/4 of said Section 14, a distance of 264.60 feet; thence North 88 degrees 39' 38" east 298.00 feet South of and parallel with the North boundary of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14, a distance of 122.67 feet; thence Southeasterly 60.00 feet West of and parallel with the baseline of survey of State Road 809 (Military Trail) as shown on Road Plat Book 3, page 183 along a curve to the right having a radius of 11,399.20 feet, a central angle of 0 degrees 15' 34", an arc distance of 51.62 feet and a chord which bears South 0 degrees 07' 59" East, a distance of 51.62; thence South 0 degrees 00' 02" West parallel with the baseline of survey of said State Road 809 (Military Trail), a distance of 347.77 feet to the Point of Beginning, being located on the west side of Military Trail (SR 809) and on the south side of West Atlantic Avenue (Delray Road West - SR 806) in a CG-General Commercial Zoning District, was approved on May 26, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate a required five (5) foot perimeter landscape strip along the north property line commencing at Military Trail and running west one hundred twenty-two (122) feet.
3. Prior to site plan submittal, a cross-access agreement shall be recorded between the petitioner and the service station owner to the north.
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. Within 90 days of approval of this project, the property owner shall reserve the additional right-of-way for:
 - a. West Atlantic Avenue, 76 feet from centerline,
 - b. Military Trail, 64 feet from centerlineall free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
7. No off premise signs shall be permitted on the site.
8. Prior to issuance of a building permit the petitioner shall submit an executed water service agreement from the City of Delray Beach.

9. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

