

RESOLUTION NO. R-85-240

RESOLUTION APPROVING ZONING PETITION 78-263(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. 78-263(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 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.
2. The proposal does not meet the standards of Section 500.16(A) (Traffic Performance Standards) of the Zoning Code, but this proposal is closer to the standards than the current valid approved proposal on this site.
3. This proposal will entail a 15% reduction in the number of average daily trips generated when compared to the current valid approved proposal on this site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 78-263(A) the petition of CROCKER COMPANY By William R. Boose, 111, Attorney, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-263, TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, WITH A HOTEL AND TWO (2) OFFICES IN EXCESS OF 8 STORIES commencing at the Northeast

corner of the Northeast 1/4 of said Section 23, Township 47 South, Range 42 East, thence run South 00 degrees 35'30" East 75.00 feet along the East line of said Northeast 1/4 to a point; thence run South 89 degrees 30'16" West 247.50 feet along a line 75.00 feet South of, as measured at right angles, the North line of said Northeast 1/4 to the point of beginning, thence continue South 89 degrees 30'16" West 23.55 feet to a point of intersection with the Easterly right-of-way line of Military Trail as shown and recorded in Plat Book 4, Pages 139 through 142, inclusive, thence run Southwesterly along said Easterly right-of-way line being a curve concave to the Northwest, having a chord bearing of South 45 degrees 40'09" West, a radius of 1697.02 feet and a central angle of 17 degrees 40'56", for an arc distance of 523.72 feet to a point of tangency; thence run South 54 degrees 30'37" West 1038.00 feet along said Easterly right-of-way line to a point; thence run South 35 degrees 29'23" East 440.00 feet to a point; thence run South 04 degrees 50'46" East 72.74 feet to a point; thence run South 40 degrees 36'05" West 92.20 feet to a point; thence run South 16 degrees 41'57" East 104.00 feet to a point; thence run South 48 degrees 48'51" East 106.30 feet to a point; thence run North 83 degrees 59'28" East 203.38 feet to a point on a curve; thence run Easterly, Southerly and Northerly along the arc of said curve being concave to the Northwest, having a chord bearing of North 76 degrees 22'39" East, a radius of 400.00 feet and a central angle of 83 degrees 42'12", for an arc distance of 584.36 feet to a point; thence run North 89 degrees 24'30" East 224.64 feet to a point of intersection with a line 247.50 feet West of and parallel with said East line of the Northeast 1/4 of Section 23; thence run North 00 degrees 35'30" West 1488.84 feet along said parallel line to the Point of Beginning. Said property located on the east side of Military Trail (S.R.809), approximately .2 mile south of Boca Raton West Road (S.R.808) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification a revised site plan shall be

submitted reflecting a master signage program and its location.

2. The maximum building gross square footage shall not exceed 436,000 square feet, excluding the following:

- exterior wall thickness
- elevator shafts, including walls
- stair towers, including walls
- mechanical equipment, electrical and telephone rooms
- exterior balconies and open walkways
- open-air plazas

3. 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.

4. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.

5. Security lighting shall be directed away from nearby residences.

6. The developer shall construct at Military Trail and the North access road left turn lanes on both the North and South approaches.

7. Prior to the issuance of a Certificate of Occupancy, the developer shall:

(A) Construct at Military Trail and Town Center Road:

- a. Left and right turn lanes, North approach.
- b. Left turn lane, East approach.
- c. Dual left turn lanes and separate right turn lane, south approach.
- d. Left and right turn lanes, West approach.

(B) Construct at Military Trail and the south access road a left turn lane on the North and South approaches.

8. 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.

9. Developer shall fund the construction of signalization at the intersection of Military Trail:

- a.) Town Center Road
- b.) Town Center Circle
- c.) Bethel Boulevard

When warranted by the County Engineer. Funds for this signalization shall be held by Palm Beach County in the form of a Letter of Credit or Cash prior to the issuance of a Building Permit.

10. The developer shall be given credit for the entire Fair Share Traffic Impact Fee for monies already collected and construction already completed pursuant to Resolution R81-1369.

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 \$161,975.00.

11. 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.

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

13. The office buildings and the hotel building shall be reduced by two (2) stories each. This will result in two (2) office towers of eight (8) stories and one (1) hotel of twelve (12) stories.

14. Joint access shall be provided to the parcels lying east of this project. There shall be access as already shown on the project's site plan in the southeast portion of the parcel and there shall be an additional access point, to be mutually approved by the County, the City and developer, within the northeast portion of the parcel to that parcel zoned Public Ownership and Industrial which lies west of the Seaboard Coastal Line Railroad.

15. The Crocker Company shall meet with both the City and the County to review access to their parcel from Military Trail and take such steps as are necessary to insure safe ingress and egress from the project while maintaining smooth and efficient traffic flow on Military Trail.

16. The Crocker Company shall meet with Palm Beach County and the City of Boca Raton to review the intersection of Military Trail and Palmetto Park Road and shall aid in the implementation of intersectional improvements necessary to mitigate the project's traffic impact by transferring the funds designated for the cost of signalization as provided in Condition 9 (c) above the subject intersection improvement project. This transfer of funding shall be approved by the County Engineer.

17. Exact copies of all graphics presented at the Board of County Commissioner's public hearing shall be submitted to the Zoning Division and made part of the permanent petition file.

Commissioner _____, moved for approval of the petition. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this day of **FEB 19 1985** confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Victoria S. Wilkes*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Douglas Sprague
County Attorney