

RESOLUTION NO. R- 85-285

RESOLUTION APPROVING ZONING PETITION 84-68, 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. 84-68 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. 84-68 the petition of PAUL MARK CONSTRUCTION CORPORATION, INC., 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 Tract 6, Block 9, Palm Beach Farms Company Plat No. 3, in Section 36, Township 43 South, Range 41 East, as Recorded in Plat Book 2, .pg 46:

Together with the East 1/2 of Tract 7, Block 9, Palm Beach Farms Company Plat No. 3, in Section 36, Township 43 South, Range 41 East, as Recorded in Plat Book 2, Page 46, less the West 200 feet of the South 425 feet thereof; and less and excepting, however, the following described parcels:

The South 100 feet of the West 150 feet of said Tract 6; the East 200 feet of the South 200 feet of said Tract 6; being more particularly described as follows:

Beginning at a point where the North right-of-way line of State Road No. 80 intersects the West right-of-way line of State Road No. 7 (U.S. Highway No. 441) and running West along the North right-of-way line of State Road No. 80 a distance of 200 feet to a pipe; thence North, parallel to West right-of-way line of State Road No. 7 (U.S. Highway No. 441) a distance of of 200 feet to a pipe; thence East, parallel to the North right-of-way line of State Road No. 80, a distance of 200 feet to a pipe in the West right-of-way line of State Road No. 7 (U.S. Highway No. 441); thence South along the West right-of-way line of State Road No. 7 (U.S. Highway No. 441) a distance of of 200 feet to point of beginning, less that portion of the Southeast corner of hereinabove described premises formed by a 100-foot radius having points of tangency 95.2 feet from said right-of-way intersection.

Commencing at the Southwest corner of said Tract 6; thence Easterly, along the South line of said Tract 6 a distance of 150 feet to the Point of Beginning; thence continue along said South line, a distance of 141.35 feet; thence Northerly, along a line parallel to the West right-of-way line of State Road No. 7, a distance of 400.47 feet; thence Westerly, parallel with the South line of said Tract 6, a distance of of 158.02 feet; thence Southerly parallel with the West line of said Tract 6, a distance of 400 feet to the Point of Beginning; the East 200 feet of the West 400 feet of the South 425 feet of the East 1/2 of Tract 7, Block 9, Palm Beach Farms Company Plat No. 3, as Recorded in Plat Book 2, Page 46. Said property located on the west side of U.S. 441 (S.R. 7), approximately 150 feet north of S.R. 80 was approved as advertised subject to the following conditions:

1. 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.
2. The property owner shall convey for the ultimate right-of-way of:
 - a) Southern Boulevard, 220 feet North of the existing North

right-of-wayline of the West Palm Beach Canal.

b) S.R. 7, 160 feet of ultimate right-of-way.

All 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.

3. The property owner shall dedicate the ultimate right-of-way as shown on the "Special Intersections" per Palm Beach County's Thoroughfare Right of Way Protection Map within 90 days of the adoption of the Resolution by the Board of County Commissioners. An additional 130 feet (350 feet ultimate right-of-way) for Southern Boulevard ■

Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.

4. This development shall be permitted only one median opening onto S.R. 7, at the project's middle entrance onto S.R. 7.

5. This development shall be permitted only one median opening onto Southern Boulevard, at the project's entrance road.

6. This development shall be permitted only three turnouts onto S.R. 7, per the County Engineer's approval.

7. This development shall be permitted only one turnout onto Southern Boulevard, per the County Engineer's approval.

8. The Petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage of S.R. 7 and Southern Boulevard. This drainage easement shall be subject to all governmental agency requirements.

9. The developer shall construct concurrent with the 4-laning of S.R. 7 and Southern Boulevard and the project's middle entrance, separate left and right turn lanes.

10. The developer shall provide a clean irrevocable letter of credit for \$500,000 which shall be drawn upon by Palm Beach County for purposes of acquiring right-of-way for the intersection improvements of SR 70 and SR 80 (FDOT Project No. 93120-2523), said letter of credit to be payable upon the letting of the construction contract for said intersection improvements, which date is estimated to be on or before January 1, 1987.

11. The developer and Palm Beach County agree to mutually approach the Florida Department of Transportation to expedite said intersection improvements which are currently scheduled for letting in July of 1988 so that the intersection improvements would be done concurrently with the main line construction of SR 80 (FDOT Project No. 93120-1507) currently scheduled for letting in January of 1987.

12. Palm Beach County will make available the sum of \$500,000 from impact fee funds, said funds to be used for the acquisition of the necessary right-of-way for the above described intersection improvements of SR 7 and SR 80.

13. Based on joint communications with the Florida Department of Transportation by the developer and Palm Beach County, said communications being concurrent with the approval of this project, it is the understanding of developer and Palm Beach County that a three way agreement will be reached or entered into between the developer, Palm Beach County and the Florida Department of Transportation which would result in the acquisition of the necessary right-of-way for the above described intersection improvements by utilization of the

monies described in paragraph 10 and 12 above and any balance remaining due for said acquisition shall be made available by the Florida Department of Transportation. Based on the communications with the Florida Department of Transportation, the acquisition of said right-of-way will allow and result in the acceleration of the construction of the above described intersection improvements.

14. It is understood and agreed that the building permit for this project shall be issued at such time as the contracts for the above described intersection improvements are let.

15. The \$500,000 payment by developers shall satisfy requisite impact fees.

16. It is understood and agreed that the respective obligations of the developer and Palm Beach County as contained in paragraphs 10 through 16 are conditioned upon the scheduling and acceleration and joint Cooperation as described above and the failure of these factors to materialize shall relieve the parties for enumerated responsibilities hereunder and the parties agree in such event that the petition shall be re-addressed by the Board of County Commissioners.

17. Prior to Site Plan Certification a revised Site Plan shall be submitted to reflect the following:

- A) Allowable dimension for the accessways, 25' minimum to 35' maximum, located at the Southwest and South-central portion of the site along S.R. 7.
- B) The 12'x30' dimensions for the loading bays located at the rear of the shopping center.
- C) Enclosed loading areas separated from any nearby residential areas by ten foot high wing walls.
- D) Redesign of the parking lot to accommodate the minimum dimensions pursuant to Section 500.17 J (Minimum Parking Bay Dimensions) of the Zoning Code.
- E) Pavement marked to indicate flow direction of traffic flow in the parking lot.
- F) Revise the labeling and site plan tabular data for the 3 buildings on the southern portion of the site to read as "future retail lease parcels".
- G) Indication of the ultimate right-of-way for S.R. 80 and S.R. 7 per County Engineer's requirements.
- H) Dimensions and indication of the 10' wide 75% opaque landscape buffer and/or a 5' wide landscape strip and attendant wall with 1 tree planted 40' on center and a continuous hedge to be maintained at 30-36 inches high.

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

19. The north and west facades of the shopping center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.

20. No stock loading or dumpster pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.

21. The facades of the shopping center will be landscaped with foundation plantings and with canopy trees within adjacent paved

areas.

22. No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the shopping center .

23. No parking of any vehicles shall be permitted along the rear of the shopping center except in designated spaces or unloading areas.

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

25. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

26. 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.

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

Commissioner **Bailey** , 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 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 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 Proje
County Attorney